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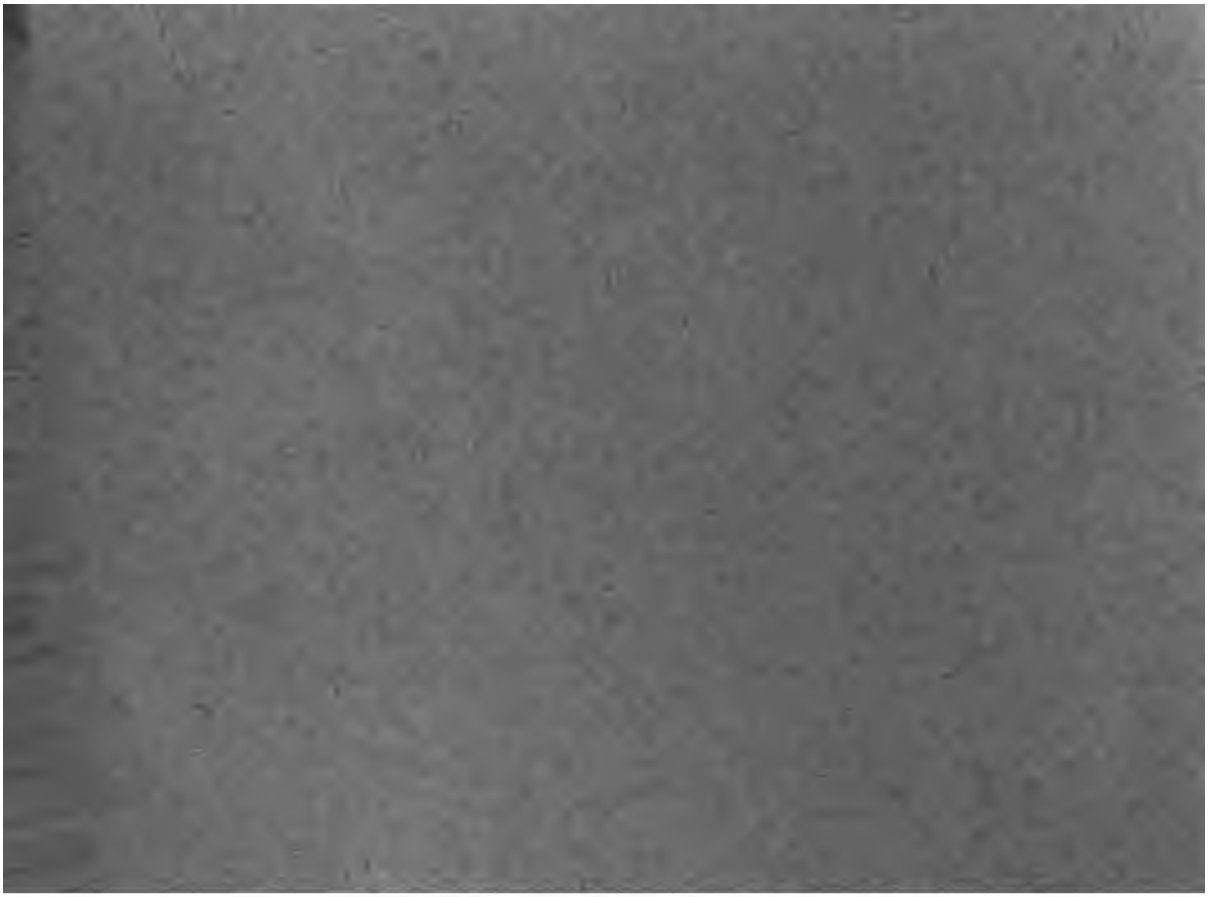

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1676–1703.

WITH HISTORICAL ILLUSTRATIONS

AND A

MEMOIR

BY ROBERT NOXON TOPPAN, A.M.

MEMBER OF THE AMERICAN ANTIQUARIAN SOCIETY, THE AMERICAN PHILOSOPHICAL SOCIETY, THE COLONIAL SOCIETY OF MASSACHUSETTS, ETC.

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DOCUMENTS AND LETTERS.

FROM Mr. RANDOLPH. ANSWER TO THE BOSTON DECLARATION.[1]

[In Randolph's handwriting.]

State Papers, Board of Trade, New England, Vol. 5. p. 276. 1689.

Sr. Tho' before the Receite of yrs I had a very full & perfect account of ye late revolutions at Boſton & had ſeen & peruſed ye Declaration ſett forth in ye Name of ye Gent. mercts. & Inhabitants of Boſton & ye Country adjacent, I could not forbeare, when you lett the whole ſtreſſe & notice of that violent proceedings on ye Grounds & Reaſons there in Containd; Serioufly & Conſiderately to review ye ſame: to find if any true Reaſon there were for a Rebellion, for ſo (not to flatter our ſelues) in truth the actions muſt be termed; & indeed vpon ye moſt ſtrict examination I can make there, find nothing that either by ye Law of God or man

[1] On the front ſheet is written: "The printing of this paper will more juſtifye us then if I ſhould trouble their Lordſhps with many letters. E. R."

man can juſtify the ſame, nor any benefitt or advantage propoſed or gained to the Country thereby.

For tho' it be true, That about 11 yeares ago there was a moſt damnable & horrid Popiſh plott diſcouered in Eng^{d}. And that many of ye Principall actors therein were brought to condign Puniſhment, what reaſon can it bee, That that Plott at this tyme ſhould affect, frighten or amaſe vs, when the Same in all the late tranſactions in Eng^{d}. euen ſince the happy landing of the Prince of Orang is not ſo much as inſtanced, or repeated, and ſince ſo effectuall a Courſe is taken by him with ye Nobility & Gentry of ye Kingdome to ſecure both our Religion & liberty from Popery & Slavery. Methinks wee ſhould rather haue reſted ſatisfied therein prayd Gods bleſſing vpon ſo generous an vndertaking & haue thought our ſelues ſufficiently ſafe & ſecure thereby being well aſſured that amongſt vs, there is none ſo intoxicated with that Bygotry as to be able to do vs harm.

And 'tis as ſtrange an impoſition to make vs belieue That the vacating of Our Charter was any effect of that plott, when the ſame was fully diſcouered and defeated in Anno 1678 & the proceedings & Judgment [of] our Charter was in Anñ 1684. & if wee do but reflect & looke back on our paſt action, wee muſt with Shame acknowledge & Confeſſe That Our Maleverſation & abuſe of Our libertyes & priveleges granted vs hath juſtly deſerued the ſame, & why at this tyme & diſtance you ſhould take vpon you to calumniate the proceedings at Weſtminſter Hall, and by that meanes queſtion ye Iuſtice of the Nation vpon which wee do & muſt certainly wholy depend & bring that as an Argument for y^{r} Juſtification, is to me moſt vnreaſonable.

I haue been an eye & an eare witnes to ye Commiſſion vnder ye Great Seal of Eng^d. which appointed & [*ſic*] Preſid^t & Councill to take vpon them the Gom^t of thoſe Countryes which was an Authority equall to ye former & was admitted & ſubmitted to by ye whole Authority of this Gom^t when aſſembled together.

And for my part I & many others of my Neighbors of ye Country found or ſaw no fault there in; Only that thereby ye Repreſentatiues of ye Poeple were not directed to be Conſulted about raiſing Taxes or making Lawes. That wee vnderſtood was vſuall in moſt other of the plantations, but wee not being ſtates men enough fully to inform our ſelues in ye Reaſons thereof, & Quereing Our duty, both by ye Law of God & man, was to yeild due Obedience to all putt in Authority ouer vs with out any further Enquiry, as your ſelues Submitted thereto, not being fitt to Cavell at ye form or manner of obtaining thereof (which tho' I haue a great Honour & eſteem for ye learning, knowledge & good parts of many Gent. with you) I beleiue but very few are acquainted with, & why another Commiſſion might not be granted by y^e ſame Authority to another perſon & he expect the like obedience, I cannot ſee any Reaſon.

Againſt ye perſon of Sr Edm^d Andros Kn^t & Capt Gen^ll & Gou^r neither my ſelfe nor any of my Neighbors in ye Country (ſo far as I haue converſed or been acquainted with them) can lay any Juſt Complaints or imputations, nor can wee ſee or diſcern, but in the Adminiſtration of his Gom^t tho' it could not bee expected that a poeple who gaue themſelues ſuch irregular liberty in trade (as many amongſt vs did) ſhould vpon ſuch a change & alteration light with ſome inconveniencyes

inconveniencyes & loſſes: where in the law being ag^{t} vs wee ſhould better haue born with, then vnreaſonably reſented, Conſidering that Obedience is better than Sacrifice.

As in all Goverm^{ts} & Comunityes of mankind there are Good & ill men, & perhaps ſuch might bee in Office here, who would not bee Contented with their allowed fees, & perhaps in that perticuler of Wills (which if it bee ſo) my Country Conſcience will not admitt That y^{t} is a ſufficient Ground or reaſon for a greater . . . But that whoeuer is greived in ſuch a nature ought by due Courſe of Law to ſeeke redreſſe, & none are more ſevere to puniſh ſuch Offenders then the Lawes of our Native Country, I meane the land of our fore fathers which haue been adminiſtred to vs.

My neernes to ye men of Ipſwich haue made me in a great meaſure acquainted wth the Trouble & diſturbance ſome there & in other parts lately gaue to ye Gom^{t} But who they or thoſe of Plymouth haue been proceeded ag^{t}, I am not ſo well acquainted with, as the Records may ſhew forth, which if in a legall & Judiciall manner (as I haue heard they were) I am ſure all concernd ought to be ſatisfied, & Concluded thereby; or in like legall manner ſeek for redreſſe to ſuperior Authority.

Tho' ſome vnadviſed expreſſions are charged in the Declaration to be ſaid both at Councill & at Court which are deemed & poſſibly may bee very difficult to proue, yet if they were ſo, it is not (as I conceiue) the inconſiderate ſayings of men, but their actions that wee muſt Judge ye men by: nor ought a whole Gom^{t} to be contemnd, or ſlighted for one of [or] two ſuch, ſince amongſt the beſt of men, there

there are failings & in ſome more then in others. Noe looſe & generall Reflections on Goverm^t^ or perticuler perſons amongſt ſober & Judicious men affect any other, then to ſhew ye vnworthines of the writers.

I haue often heard & ſometymes at leiſure houres turning ouer the ſtatute booke haue ſeen an Act of Parlm^t^ by which a writt of Habeas Corpus is grantable for the liberty & eaſe of the ſubject to prevent his being impriſoned without a Cauſe & that there is a penalty of 500^l^ inflicted on any Judge or Juſtice that ſhall denye the ſame for which ye party greived hath his action at law, ſo that any refuſed that writt might haue proceeded accordingly: & wee muſt not ſuppoſe That or any other defect in publick Miniſters or perticuler perſons, where the law giues ſufficient Remedy to be a ſufficient Argument for thoſe proceedings.

I cannot but take notice of words ſo angrily & improperly putt together where in the declaration it is ſaid without a verdict yea without a Jury ſometymes haue poeple been fined moſt vnrighteouſly; whereas in truth there is nothing more juſt or practicable in ye law, then for partyes by demurr or other ſpeciall pleading to bring their cauſes to iſſue in Law, & ye Judges to giue judgment thereon accordingly as I haue been informd; & by reading the bookes of Law haue ſatisfied myſelfe, but I haue neuer [*ſic*] any Committed without Cauſe ſhown. I am loath to take vpon my ſelfe to bee a Caſuiſt ſufficient to determine the matter of Conſcience about ye mode of Swearing, the Cavill about wch has giuen no Small trouble & hindrance to our Civill & Judiciall proceedings. Since my remembrance vnder ye former Gom^t^ the mode was by holding vp ye hand wch was not enjoind

enjoind as I euer could find by any law, but introduced & Continued by practice, & no other method as euer I could heare of admitted ſince ye Chang of ye Gom^t^ we coming vnder ye lawes of England, by which ye mode of Swearing is much different, that by a far longer Cuſtome & vſage requiring ye Partyes ſwearing to touch ſome part of ye holy Bible or word of God, which I take to bee ye onely legall Oathe or mode of Swearing, vnleſſe another mode were by law appointed, which would be equally alike to me, if it had the ſame effect in the Law to inforce the diſcovery of the truth, or prevent or puniſh perjury, & therefore hauing ſo much Law & Reaſon for ye Requiring thereof, the Same cannot be ſo great a Greivance if any. Before ye change of Gom^t^ by Some ingenuous men better ſkilled in ye titles of land & manner of Conveyancing then my ſelfe, I haue often heard vpon diſcourſe with them, That there were miſtakes & omiſſions in ye paſſing & Granting of Lands, as well to townſhipps as to perticuler perſons, for want of attending & obſeruing the order & method directed in our former Charter for that purpoſe, and vpon Enquiry into y^e^ ſame, I am forcd both by Law & Reaſon to be Concluded thereby, & to eſteem the power Given by his Matie to Confirm our eſtates and mend thoſe defects to be an Act of his eſpeciall Grace & favour to vs, but I would be glad the ſame might be procured on ſo eaſye termes, as might not bee burthenſome to ye Inhabitants, & that Townſhipps might paſſe in our Gen^ll^ Patent, as I am informd has been practiced amongſt our Neighbors weſtward; & haue been told by ſome in place might be here if deſired, which I ſuppoſe will giue greate eaſe & ſatisfaction, & therefore (as ye old ſaying is) I would not haue

haue my Country men ſpoile a ſheep for a halfe penny worth of Tarr, nor build too much vpon what will faile them at laſt, & by being ouer fond of their miſtaken Notions make them withſtand ye Good offred & run themſelues & Country into further inconveniencyes & troubles. I haue not been a little concernd, at the trouble that hath been given vs by ye Indians inſurrection to ye Eaſtward, & that ſo many of Our Neighbors & freinds haue been drawn to that Service, & belieue it a Calamity which Our Sins haue brought vpon vs. My remotenes from thoſe parts hath not giuen me ye oppertunity to know the perticulers of its beginning, but as farr as I haue heard what occaſioned it, it fell out when his Excell was at ye Southward, & ſome forces were ſent out of Boſton into ye Eaſtern parts before his return, & I cannot perceiue any pleaſure or profitt that could invite his Excell to expoſe his perſon for our Countrymen to ye hardſhips & dangers of that ſervice, but onely the tender care & regard he had to Our Safety & honour of Our Nation, both which by his prudent conduct haue been hitherto Kept & preſerved, & ought rather to be an argument for our Standing firm & vniting together in ye bond of Peace, then when the heathen are raging ag^t vs, wee ſhould raiſe Jelouſyes & diviſions amongſt our ſelues.

If wee had had the due regard to Our ſelues & Country and that true value for ye Noble vndertakings of ye Prince of Orange as wee ought we ſhould haue reſted ſatisfied with Our Condition, & not haue anticipated that with force & violence, which with mildnes & Juſtice might haue been ſoon given vs, euen all the libertyes wee can hope for as Engliſhmen; for we ſhould not thinke that when God is working

working Generall deliverances for his poeple, wee ſhould haue been excluded, & his own way & tyme is certainly the beſt, which ought & muſt be attended; beſides wee muſt conſider, that wee haue no power or Authority of Gom^t vertually in vs, but being part of the Realm & dominion of England & vnder ye Allegiance of that Crown, muſt as our ſore fathers did before vs deriue all our power & Authority from thence.

I would not haue my Country men boaſt themſelues too much on their own Strength nor value themſelues too much on ye Succeſſe of ye laſt action, where poſſibly the prudence of thoſe in place was not the leaſt meanes of preventing bloud ſhed, who rather Chuſing to Stand & Juſtifye their Action, then baſely run away and forſake their Truſt, ought by all good men to be more eſteemed & regarded, and Juſtice and not Anger ought to take place. I am ſo far from thinking of an Election, & ſo are many of my Neighbors, that I thinke it equally as dangerous & vnwarrantable, to take vp Our Old Gom^t according to Our Charter, as to ſet vp a New; Since 'tis admitted That Our Charter by Judgm^t of Law was Condemnd, and Our Libertyes ſeized into ye Kings hands, who hath ſince ſetled another Gom^t ouer vs. How euer erronious the proceedings were, in the obtaining thereof, yet I am Certainely informd it remaines Good vntill reverſ'd, & I find by ye printed papers, that lately came from Eng^d that there was no way to reſtore the privileges to Corporations in Eng^d ag^t which Judgm^t was Entred, but by Granting New Charters to them which ye King ordred to be prepared & paſſed without fee; & I hope all our Countrymen

Countrymen, when they Confider it, will be of the Same minde.

What moued my Country men fo haftily & violently I cannot yet learn, & doubt much if euer I fhall find a true reafon for it, but think it was very well that fo many prudent & able men did interpofe to prevent the worfer effects of a Giddy & enraged multitude, who for that action may be termed the Saviours of their Country & their own honour, if their future actions be agreeable to their then vndertaking: & therefore that wee may rather fee of our own faults & miftakes then haue them told vs by others, & by that meanes faue our Country from any blott or imputation & our perfons & eftates from ye Cenfure of ye Law, lett vs Seriouffly thinke & Confider, in whofe hands the Care & Gom^t of this poeple is lawfully placed, & the Authority wee haue to remoue & difplace them & fett vp others in their fted; & when thefe things plainely appeare to vs, let vs with that Duty & obedience which wee ought, addreffe & fubmitt ourfelues to thofe which haue Authority ouer vs, that wee may be alwayes found Doing our dutyes, not doubting but from them (as heitherto) wee may haue fecurity & protection according to law & the full benefitt & enjoyment of all orders & privileges, as are all dayly expected from England, by which alone wee muft be directed.

And that this my humble Advife may take place in the minds of all my Neighbors & Country men, produce a free & Generall pardon & indulgence for all miftakes paft, is the hearty defire & prayer of him who intirely wifhes the peace happines & profperity of our Sion, & that God in loue may dwell and abide with vs. You may Communicate thefe

 thoughts

thoughts to whom you pleaſe, & if you thinke convenient lett them haue the ſauour of the preſſe.

I am Sr

your very affectionate freind & ſeru:

C: D:

[*Endorſed*] 1689
Anſwer to ye Boſton
Declaration.

CONSIDERATIONS HUMBLY OFFERED TO THE PARLIAMENT

ſhewing

That thoſe Charters relating to the Plantations were taken away, upon quite different Reaſons from thoſe in *England*, theſe Charters being Seized for the abuſe of their Power, in deſtroying not only the Woollen and other Manufactures, but alſo the very Laws and Navigation of *England*, and making themſelves as it were Independant to this Crown.

State Papers, Board of Trade, New England, Vol. 5. p. 247.

[*Printed ſheet.*]

All His Majeſties Plantations in *America*, have been either Diſcovered, or Peopled under the Encouragement of Charters from the Crown of *England*, and ſeveral Great Powers and Priviledges have been Granted to Proprietors, and Corporations with reſtrictions, nevertheleſs that they ſhould depend on the Crown, and as they have their Protections from thence, and from *Old-England*, ſo it was always underſtood that thoſe Priviledges, and eſpecialy the Powers of

of Government ſhould be exerciſed ſo by the particular Proprietors and Corporations, as not to prejudice the Intereſt of *England;* but upon all occaſions procure the Benefit, and be created by the Authority reſiding in *England;* and as often as the Proprietors and Corporations, have Acted contrary hereunto their Powers have been Queſtioned and Set aſide. So the Great *Charter* of *Virginia* in the Year 1632. was voided, and the Government of that Colony has ever ſince reſted in the Crown, so the Charter and Propriety of the Earl of *Carliſle*, which made him abſolute Lord of the *Carribee* Iſlands, was call'd for at the Council Board, in the Year 1663. and there ſurrendred. So the Charters for the *Newfound-Land* in divers Reigns, as they became prejudicial to the Fiſhery, which is of ſo great importance to *England* were ſet aſide. So were many other Charters annulled in the Reign of King *Charles* the Firſt, and King *Charles* the Second, Vacated by *Quo Warranto's*, or otherwiſe it being not thought reaſonable, that while they enjoyed all other advantages equally with their Native Country of *England*, they ſhould abuſe the Priviledges Granted them by Exporting *Wool* and other materials for Manufacture, beſides *Tobacco* and *Sugar*, *&c.* to *France*, *Hamburg*, *Holland* and other places in *Europe*, and Importing back from thoſe places not only *Linnen*, but *Woollen*, and all other Manufactures (which ſhould be of the Engliſh growth) Cuſtom free, and this not only for their own Conſumption, but alſo ſupplying therewith moſt parts of the World particularly the Engliſh Plantations, which according to the Act of Navagation ought to be ſupplyed from Old *England*, after Cuſtoms paid in and out, whereby they were inabled to bring

bring thoſe Goods 50 *l. per Cent.* Cheaper to their Market there, than our Merchants could, which Trade incouraged their Building ſome Hundreds of Ships which were imployed in thoſe illegall Trades, to the ruin of the Engliſh Navagation, and tho their Ships built there, by our Law were as Free as theſe built here in *England*, yet not above Ten of them all do yearly come directly for *England*, but were imployed ſo indirectly as aforeſaid.

For theſe and many ſuch like weighty conſiderations, and other practices inconſiſtent with the Intereſt and Government of *England*, in the laſt Year of the Reign of King *Charles* the II. the Charter of the Colony of the *Maſſachuſets Bay* was vacated upon a *Scire Facias*, Proof having been plainly made, as it may be again when it ſhall be neceſſary, of their aſſuming the Regal Power of Coyning many and different ſpecies of Silver, giving a baſer Allay, than is practiced in *England;* Their making Laws and puting them in Execution for impoſing *Taxes* upon the Shipping and Manufacture of *England* coming into their Ports, diſcouraging as much as in them lay the Trade of the Engliſh, thereby to render the Shipping of their own Built the more Valuable, and reſtraining and diſcountenancing the Execution of the Acts of Parliament by their Printed *Cal.* 14 & *Cal.* 25. Laws. Their Impoſing an Oath of Fidelity to their Common-wealth as their Law Book terms it.

Their Incroaching upon the Neighbouring Colonies poſſeſſing themſelves in a Hoſtile manner of the Propriety of others not Subject to their Government, and upon Complaints, Petitions, and Orders at the Council-Board, giving no Redreſs, but even Affronting and contemning the Authority

thority of the Commiſſioners appointed by King *Charles* the Second to determine the Appeals of others against the Invaſions of that Colony. Their making Laws againſt all other Opinions in Religion except that of the Congregational Churches, and more eſpecially againſt that of the Church of *England.*

Their Treating ill the Captains of the Kings Ships in time of War, for deſiring permiſſion to recruit themſelves with Men and Victuals, in Order to purſue the Kings Service in the Protection of his Subjects in thoſe Parts, particularly thoſe belonging to the Fiſhery.

Their entertaining Pirats, and Encouraging them to come and Victual there.

In the mean time they remain Free from all Taxes and Impoſitions, which now, or at any other time are laid upon *England*, without contributing in any manner to the Aid of the Crown, or even to their own Protection or ſupport.

The People of *New-England* in General are better ſatisfied with the preſent Government, there being only ſome Men in former Authority, that deſire the reſtoring the Charter; And if they ſhall be at Liberty again to Exerciſe their Unlimited and Arbitrary Power, they will draw the Inhabitants, and eſpecially the Labouring and Manufacturing People of *England*, who will find it more eaſie to live there, than in their Native Country; and as the ſame Manufactures are now carried on there that are ſet up in *England*, ſo by this farther Encouragement, as they will not depend in Government, ſo they will carry on a ſeparate Trade to the palpable Impoveriſhment of *England*, and highly prejudicial as well as contrary to the Laws thereof.

The

The Reſtoring of this Charter will alſo be of very great Advantage to the *French*, who Border upon *New-England*, and will daily make Incurſions upon them, which they will be the better enabled to do by ſuch a diſ-union of this and the many other Colonies of *New-England*, and their Independancy upon the Government of *Old England*.

Nor was thCharter firſt proſecuted in the Late King's Reign, but in the Reign of King *Charles* the I. tho' no Judgment was Recorded, the Wars preventing till the Reign of King *Charles* the II. Neither was it done then upon the late Meaſures, but upon other important Reaſons of State, ſome of which are above-mentioned.

Upon the Diſſolution of this Charter, the Illegall Trade, so Notoriouſly carried on by the People of *New-England*, was then ſtopt, which when they found, and that they could not Trade but upon even Terms with others of His Majeſties Subjects, ſome of the Inhabitants of *New-England* brought over ſeveral Indications of Mines of *Copper*, *&c.* which they had diſcovered ſome Years ſince, but were not arrived to Eſtate enough to opperate the ſame themſelves, and being prevented in their former Trade were willing to take in Partners here in *England*, with whom they joyned in a Petition to the Late King *James* to be Incorporated with certain Priviledges and Immunities, the better to enable them to go on with the Undertaking, which was graciouſly Received, and in all Probability had been Accompliſhed before now, had not the late Revolution hapned, ſeveral of His Majeſties Subjects having Subſcribed a Fond of near 100000 *l.* for carrying on the Work, and have already expended conſiderable Sums of Money upon Experiments,

ments, and to obtain a Charter of Incorporation. But ſince the Vote paſſed in the Houſe of Commons for the Reſtoring of Charters and Corporations to the ſame State and Condition they were in the Year 1660. The *New-England* Men hoping thereby to be Reſtored to their Old Government, whereby they might re-aſſume their former Power, and with the ſame Freedom as heretofore, proſecute their former Illegal Trade. They have withdrawn themſelves from any further Solicitation for the Charter for Working the *Copper Mines*, pretending that when their Old Charter is Reſtored, the King has no Immunities to Grant; but if the Partners will go on, they muſt Petition their Government for it; propoſing, that the Company (for the Management thereof, which was intended, to reſide here, and would have brought in a conſiderable Profit, as well to His Majeſty in His Revenue as to the whole Nation) ſhould reſide in *New-England*, and that all the Stock ſhould be at their Diſpoſal which will wholly overthrow the Undertaking. For that ſuch as having Eſtates in *England* are concerned in their Undertaking will never agree, that their Stock ſhall be tranſported to Parts ſo far remote, and under a Government ſo Independant upon the Crown as *New-England* will then be. Whereas, ſhould this Undertaking ſucceed, and the *Mines* prove as good, as by the many Experiments the Undertakers have made of them, may be reaſonably expected, that Plantation would more enrich this Kingdome, than all His Majeſties Dominions beſides.

If theſe People be not prevented of their old way of Trade, they being ſo Large and Fruitful a Country muſt neceſſarily in a ſhort time deſtroy the Trade of *England*, by improving

thoſe

thoſe Manufactures which the chief Trade of *England* depends on, and they do in ſome meaſure already effect it; And this cannot be done if they have the Government in their own hands, but may with eaſe be performed by the King's Superintendancy, whoſe Officers may have ſuch Inſtructions, as ſhall divert them from all prejudicial Trade, and incourage ſuch as may redound, as well to theirs, as to the advantage of *Old-England*, and nothing can be thought of comparable to their *Mines*, which will occaſion reciprocal returns, and ſerve them as a Staple commodity of which they have now none.

Should the Charters for Plantations be reſtored, as they were in the Year 1660. then all thoſe Grants made by any of the Kings Governours, ſince ſuch Charters were ſeized would revert to the Old Government, and many Families ruined thereby, they having laid out their Subſtances in ſubduing or clearing ſuch Tract of Grounds as the Governours granted them, and built upon them, paying only ſuch a quit Rent yearly to the Crown.

It is deſired, That the Charter of the Maſſachuſets Bay *in* New-England, *their Law Book, and the Acts of Trade, and Navigation of the* 14th *and* 25th of *King* Charles *the II. be read.*

Abstract of the Proceedings of King Charles the First against the Massachusetts.

State Papers, Board of Trade, New England, Vol. 5. p. 334.

Vpon the many and great Complaints made to King Charles the firſt by divers of his Subjects inhabiting New England,

England, of the violences committed by the Maſſachuſets, His Ma^ty^ Commanded the Councill of Plimouth to give him an Account what people they were, and by whoſe Authority there Setled, His Matie ſuppoſing it to be done by the ſaid Councill, which the ſaid Councill diſclaiming to be done by any act of theirs, and his Matie finding that a Grant had been ſurreptitiouſly and illegally obtained under His Great Seale without His Ma^ts^ knowledge, His ſaid Ma^ty^ cauſed a Quo Warranto to be brought in the 11th Year of His Reign, againſt all the Members named in the ſ^d^ Patent of 4° Caroli, whereof the Governor, Deputy Govr & major part appeared, and diſclaimed the ſaid Charter, the reſt were Outlawed, and although Mathew Cradock ye Govr did Diſclaime, yet his Diſclaymer was not allowed of And Judgment was Given, that the Libertys of the ſaid Corporation of the Maſſachuſets Bay, ſhould be Seized into the King's hands, and the Body of Mathew Cradock to be taken into Cuſtody for Uſurping ſuch Liberties.

Whereby it is preſumed the King determined His own Grant of 4° Caroli. Not above five perſons named in the Patent of 4° Caroli ever inhabited in New England.

An Order of Councill was directed to the then Attorney Generall to bring in the Charter to the Councill Board or to the Lords of the Councill of Plantations, and is verily ſuppoſed was accordingly brought in and Cancelled.

The Wars immediately enſuing in Scotland and England there was no more done, only Sr Ferdinando Gorges was Conſtituted by His Ma^ty^ Generall Governor over all New England. But the Rebellion ſtopt his going over, he ſerving His Ma^ty^ in his Warrs in England.

 The

The Maſſachuſetts Governm^t have Committed theſe Crimes and aſſumed Powers not Granted in their Charter of 4° Caroli.

1. They have Erected a publick Mint in Boſton and Coined mony with their own Impreſs.

2. Have put his Ma^ts Subjects to death for matters in Religion, and otherwiſe.

3. Made Lawes abſolutely repugnant to the Lawes of England.

4. Invaded the Neighbouring Colonies, and by fforce of Armes Subjected them to their Government.

5. Levied Taxes, Cuſtomes, Exciſe, Poll-mony &c. upon his Ma^ts Subjects by their own Authority.

6. Denied the Inhabitants the Exerciſe of Religion Eſtabliſhed in England.

7. Denyed any Appeals to England.

8. Violated all the Acts of Trade and Navigation and all other his Ma^ts Lawes.

9. Declared themſelves a Common Wealth and have Acted accordingly.

10. Protected Goffe and Whaley the late King's Murtherers by vertue of their Law, altho' Demanded to be delivered up, and contrary to His Ma^ts Expreſs Command.

11. Have violently and by fforce oppoſed His Maties Commiſſ^rs in the Execution of their Cōmiſſion in 1665, and without the Limitts of their Patent.

12. By fforce have turned out His Ma^ts Juſtices of the Peace in the Province of Main (Eſtabliſhed there by His Ma^ts Commiſſioners) in 1668.

13. Have not taken, nor doe Adminiſter to ye people there Inhabiting,

Inhabiting, the Oaths of Allegiance and Supremacy, as is Commanded in the ſaid Patent.

14. Have Enforced an Oath of Fidelity to be taken to that Government by all Perſons as well Inhabitants as Strangers.

15. Have Granted Commiſſions in their own and not in His Ma^ty^ name.

16. Deny Baptiſme to Children whoſe Parents are not in Church Fellowſhip.

17. Have Arbitrarily Fined People that refuſe to come to their meeting houſes, and whipped others for not paying their fines.

18. Have fforbid the Obſervation of Chriſtmas Day and other Feſtivalls of the Church, under a penalty.

19. They Impoſe a Duty upon all Shipping not built within their Juriſdiction.

20. They have Altered the Number of their Aſſiſtants from Eighteen to Ten.

21. They have changed the Daies of their Gen^ll^ Courts and Contracted the Number from Four to Two yearly.

22. Have Erected and Annexed to the Gen^ll^ Court a Court of Deputies to make Lawes.

23. They pretend to an abſolute Authority without any Dependance on His Ma^ty^

24. They alone of all His Ma^ts^ Dominions, pay no acknowledgment, or own any Service to ye Crowne.

[*Endorſed*] Abſtract of the Proceedings of King Charles the Firſt againſt the Maſſachuſetts.

FROM

FROM Mr. RANDOLPH TO Mr. CHAPLAIN.

State Papers, Board of Trade, New England, Vol. 5. p. 123.

Boſton Oct: 28: 89.

Sr.

I cannot without greife & aſtoniſhment, write you the ill Tream: Sr. Edmd. Andros meets with at the Caſtle, according to ye Relation I receiued from a Gent to whom he yeſterday made it known, & did ſee that Sr. Edmd. was kept in A low Room 17 foot long 9 foot broad, in which ſtand: 2 bedd-ſteds, 2 cloſe ſtooles, a table & other their neceſſaryes: & this is the whole accomodation allowed him & Mr. Graham to reſide in day & night: there is no Chimney in it, nor can be, vnleſſe when they haue a fire they burn their beds: when they eate they open the doore and ſett their table part out of ye Room, & not aboue 2 can ſitt at it: it ſtands ſo low, that the Raine ſtands in the flower 5 or 6 inches & riſes ſome tymes higher: 'tis built ſo that the Caſtle Walls make two ſides of the Room & what Raine falls vpon them Soakes down ſo that 'tis alwayes very Damp. They are lockd vp at 6 at night & the Doores not opned till 8 next morning, & not 5 foot to walke in all that tyme. His ſeruant is not permitted to come to him to aſſiſt him in caſe of any accident; & now ye winter approaches the paſſage betwixt Boſton & ye Caſtle is very hazardous & vncertain: ſo that vnleſſe ye weather favour he may want Bread & beer 5 or 6 dayes together, & vnleſſe he bee ſpeedily remoued the Cold will kill him: this has been repreſented by ſome Gent to ye Gour & Councill; they pretend they are ſorry for it, but I heare as yet of No redreſſe: his keepers Name is Capt. ffaire-

weather,

weather, a very ſtrict zelott & Church member. His villany is not to be forgott: the Gou^r^ has preſerued a Great ſtock of Rabitts vpon ye Iſland on which the Caſtle is; this ffaire-weather kills & deſtroyes them, treats his freinds with them, & has not preſented one to ye Gou^r^, nor ſuffers his own Cook to dreſſe his Diett for him: the Gou^r^ had vpon the Iſland a Milch Cow, being a very great louer of Milke; this Cow has ffaireweather Carried to Boſton for ye vſe of his family, ſo that the Gou^r^ can by no meanes gett any milke, but inſted thereof drinks water: this is another demonſtration of his extraordinary profeſſion of Religion. I thanke God I haue gott me a little place in the Common Goal; but am in danger to be ſtunk vp by the Goal being filld vp with poor priſoners, eſpecially wounded men who rott & periſh for want of one to dreſſe their wounds: from the mercyes of ſuch cruell men Good lord deliuer vs. Pray preſent the incloſed papers to ſuch of your freinds as you think will read them: two or 3 to my wife if you pleaſe; pray lett her know that I am S^r^

your moſt obliged freind

EdRandolph.

I know not who are in ye Commiſſion of y^e^
Admiralty: if you ſee any of them pray
make my excuſe for not writing to them.

[*Endorſed*] N: England
28: October 1689.
From Mr Randolph to
Mr Chaplin.
Rec^d^ from Mr Chaplin
the 28 Feb: 1689.

Mr.

Mr. Randolph to Dr. Cook.

Collection of Papers, by T. Hutchinſon, Prince Society, Vol. II. p. 318.

Common Goal, Nov. 25th. [1689]

Sir,

Your treating Sir Edmund Andros like a gentleman when you were laſt at the Caſtle, ſhall be remembered with reſpect. By letters from my friends in England I hear I am (but what means I know not) made their Majeſties priſoner and to be ſent ſafe to Whitehall, 'twill be a favour to me and the reſt of the gentlemen with me if the poor wounded man, who has lain 16 days rotting in his own excrement, might be taken and removed into ſome other warm place, that we be not infected with the vehement ſtench; and chriſtianity directs that he be not ſuffered to periſh and others with him for want of ſpeedy redreſſe, twill be an aggravating circumſtance of our impriſonment. If you pleaſe to call on me as you come this way and taſte a glaſſe of cyder you ſhall be welcome. Be confident nothing ſhall render me otherwiſe than a hearty friend to all good men.

I am yours,

Ed. Randolph.

To the Com^ns^ of the Customes by way of Bilboa.

State Papers, Board of Trade, New England, Vol. 5. p. 148.

Common Goale Dec. 12th 1689.

May it pleaſe yor Hono^rs^

The traders of this Country have obteined their end, for ſince their impriſoning Sr Edmund Andros & my ſelfe their veſſells

veſſells come into their ports from prohibited Countrys without diſturbance. We have had two from Holland, three from Scotland, which makes ſcotch cloath a drugg. I have informed the ſeverall Officers in Barbados, Virginia &c, thereof, to ye end they may make ſtrict ſearch aboard all veſſells from hence. This people will have noe ſupplyes from England, finding the profitt of tradeing againſt law in a Country where they are favoured by ye Governm^t Five veſſells are Come in from Newfoundland with brande Oyle &c.: a Pink has imported from y^e ſtreights Alligant wine Portaport & oy^r Cõmoditeyes of thoſe Countryes: Maſters from Virginia & Maryland unload tobacco without producing a certificate that they have given bond according to law: in a little time this place as formerly will become a ffree port, till the people are by a force convinced of y^r errour & the whole Country brought to an intire dependance upon ye Crowne. His Mãtys Gracious letter of ye 30 of July requiring that Sr Edmund Andros my ſelfe & oy^rs be ſent upon the firſt ſhip to Engł, &c., was delivered to Mr Broadſtreet the 24th of Novemb^r but as yet they have given us no notice of it, nor will they permitt us our liberty to goe out of goale to ꝓvide neceſſaryes for our voyage, neither have they determined what ſhip to put us aboard.

I have wrote to y^r hono^rs by ſeverall ſhips from hence & alſoe by way of Virginia Barbados, &c. which I hope are come well to yor Board. The ffrench have taken 7 fiſhing Ketches (belonging to Salem) off Cape Sables & a Briganteen of Boſton of 40 Tunns in her returne from Newfoundland loaden with wine oyle & brandy. I returne my humble thanks for yor Hono^rs care of me & ꝓcuring my enlargem^t

I expect in tyme to have ye benefitt of it & that this people may be made trully ſenſible that its their intreſt as well as their duty to ſubmitt intirely to the Crowne & to thoſe acts of Parlia^t^ which particularly reſpect the trade and welfare of this & all oy^r^ their Ma^tys^ forraigne Plantations & remaine in all duty

Your Hono^rs^

moſt humble & obedient Servt

E RANDOLPH Coll.

[*Endorſed*] Copy.

To the Honble the
Comm^rs^ of their Maties Cuſtoms
by way of Bilboa.
N. England.
12 Dec: 1689.
From Mr Randolph.

REQUEST OF DUDLEY, RANDOLPH AND OTHERS TO KNOW IN WHAT VESSEL THEY ARE TO BE SENT TO ENGLAND.

Maſſachuſetts Archives, Vol. XXXV. p. 110.

Priſon in Boſton 13th Decr 1689

Gentlemen

Capt ffayerweather yeſterday by yor Ord^r^ brought us the Signification of his Maj^ties^ Commands, to which wee doe with all duty and Readyneſſe humbly ſubmitt. And deſire yo^u^ to lett us know when & upon what Ship yo^u^ Deſigne to ſend us. And to order our Enlargement upon ſuch Security

ity as yo^u think fitt to Demand, that wee may ſettle our private Affairs & prepare Accordingly, Wee are yor

Humble Servants

J. DUDLEY
ED. RANDOLPH
J. PALMER
JOHN WEST
JAMES SHERLOCK
GEO. FFARWELL.

M^r. RANDOLPHS DEMAND OF HIS PAPERS.

State Papers, Board of Trade, New England, Vol. 5. p. 152.

Gentl̄

Inaſmuch as his Mãtye has Commanded me to attend at the Councill Chamber Whitehall to anſwer ſuch matters as ſhall be there objected againſt me, I therefore deſire & expect that you forthwith order that all my papers letters books & writeings whatever ſeized upon & caryed away from me may be all delivered unto me. I reſt

Yo^r. aſſured freind & humble
ſervant

E R.

There are ſeverall books of Records belonging to the province of Newyorke & alſoe a parchm^t. Roll of the laws of y^t place und^r yor cuſtody; theſe alſoe (as Secry to y^t Province) I take it to be my duty to demand.

To ye Gou^r. Councill & Repreſent.

Common Goale the 13th. Deceſm 1689.

[*Endorſed*]

[*Endorſed*] N. England
13 Dec : 1689.
Mr Randolph's Demand
of his Papers, &c.

LETTER FROM GOVERNOR ANDROS AND OTHERS RELATIVE TO THEIR BEING SENT TO ENGLAND.

Maſſachuſetts Archives, Vol. XXXV. p. 149. 26 December 1689.

Gentlemen,

Whereas upon yr ſignification of ye 12th inſtant that you had received his Majties Comands requiring you the Governr and Councill to ſend us forthwith on board ye firſt ſhip bound for England to anſwer before his Matie what may be objected againſt us, and being certainly informed of two Ships in this Harbour forthwith bound for England — Wee did the day following being the Thirteenth Inſtant acknowledged ye favour of ye ſayd Intimation, And did then requeſt that in Purſuance of his Maties ſayd Comands wee might be forthwith put on board one of the ſayd ſhips &c. wch not being yet attended, therefore in further diſcharge of our Dutyes wee doe renew or ſd Requeſt, and againe Demand that his Maties ſayd Commands may be effectually executed by or being forthwith put on board one of the ſayd ſhips and the ſame prſently diſpatched for England without further delay accordingly.

JA. GRAHAM
JOHN WEST
JAMES SHERLOCK
GEO. FFAREWELL
E. ANDROS
J. DUDLEY
ED. RANDOLPH
J. PALMER

December 26th 1689

EDWARD

EDWARD RANDOLPH TO MAJOR BROCKHOLES.

New York Colonial Documents, Vol. III. p. 664.

Letter intercepted by Leifler from Mr Randolph to Major Brockholls.

Common Goal Dec. 28. 1689.

I received this morning your letter of ye 18th inftant by wch I find that your rebbells are no changlings, & Leifler and his partners make true the proverb, fett beggars on horfeback and they will ride to ye Divell. I am well affured yt ye letters fent by Riggs ought to be putt in ye hands of ye members of ye Councill and ye Juftices of ye peace; but its fallen out very unhappy for thofe who muft live under ye fury of a conceited rabble. Our people are much concerned to know what to do with us; they know if they fend us home and have nothing to charge upon us, 'twill not found well on their fide. They meet in 2 or 3 dayes, they adjourn and do nothing as they ought. The Governor and wee have wrote to them twife. I have wrot 2 letters in my own bufinefs, & their wife worfhipps give us no anfwere; they are at their old trade of wheedling at home, and delaying us here in hopes to gett their charter; expecting yt all gentn even the Lords of ye Councill who have formerly been for vacating their Charter, fhall be putt out of their places. The Govr is of opinion wee fhall be all fent fpeedily, but 2 or 3 fhipps are now ready; they have embarg'd them for their pleafure. Capt. George received orders to go for England and Convoy home ye 2 mafts Ships, arrived at Pifcataqua; he has laid his fhip by ye wharfe, taken out his gunns and powder (a very fcarce Comedity here) I feare he will meet with

with trouble from his men, when he cannot keep them aboard, and y^e^ ſame men who made them mutiny before, are as ready (as ever) to ye like or worſe damage to him and his ſhip upon ye firſt occaſion. Sir, God ſend us well to England; I will not omitt ye commands relating to ye pay of your Companyes, nor any thing which falls in my power to be ſerviceable to your concerne at home or in New York. My humble ſervice to y^r^ Lady and to Col. Bayard. I ſhall be glad to receive a letter from you directed to me at ye Plantation Office. Wiſhing health and a happy ſettlement to your Province and to all your affaires,

I am S^r^ your aſſured friend & ſerv^t^

EDW. RANDOLPH.

My ſervice to Coll: Dongan &
Coll. Smith when you ſee him

To Major Brockholes at
New York. Preſent.

FROM Mr RANDOLPH TO THE COMMITTEE.

State Papers, Board of Trade, New England, Vol. 5, p. 158.

Common Goal, Jany 10: 1689.

May it pleaſe y^r^ Lordſ^pps^

On ye 24 of No^ber^ Mr Bradſtreet (hauing euer ſince ye 18th of Aprill laſt aſſumed ye Title & Office of Gou^r^) receiued from Mr Riggs his Maties letter of ye 30th July part whereof onely was printed & added to their Agents letters, like an Advertiſem^t^ to a Gazett (as by paper N° 1) the word "forthw^th^" was omitted on purpoſe, the eaſier to impoſe upon

upon ye poeple & make them beleiue that his Maties has referrd the number of Perſons, the tyme when, & the ſhip upon which Sr Edm^d Andros etc: are to be ſent to Eng^d to their manage & direction. His Maties letter of ye 12 of Augt ſent them by Mr Mather was receiued on ye firſt of December: & being putt into a black box was carried by an Officer before Mr Bradſtreet to ye Town houſe: wch they Cauſed to be printed with a feigned title & Counterfeit Cypher of a Seal (as in paper N° 2); many Copyes thereof were Diſpatchd into all the Townes of ye territory, inforcing a Creditt upon ye poeple that it had his Maties Broad Seal affixed to it, vnder Colour whereof they haue laid a Tax of Seaven Rates & a halfe vpon ye Colony amounting to aboue 10000^li. They haue held a Court of Aſſiſtants & Condemnd a Malefactor vpon breach of One of their Capital Lawes, who was lately executed to ffrighten the poeple vnto an intire ſubmiſſion to their Gom^t

Vpon ye 12th of Dec^ber Capt ffaireweather by Order of ye Councill read a paper to Sr Edm^d Andros & others, ſignifiing their Receipt of his Maties letter of ye 30th July: Whereupon hee with others concernd ſent letters (N° 3: & 4:) to them, in which are expreſſed Our Gratefull acknowledgm^t of his Maties grace & favour, & our ready ſubmiſſion to his Royall Commands, & hoped they would forthw^th putt vs aboard the ſhip Bloſſom then ready to ſaile for Eng^d: the Maſter was tyred out with dayly attendance vpon a promiſe of obtaining a Let paſſe from Mr Bradſtreet, Butt on ye 24th following an Embargo was laid on all ſhips bound for Europe, inſomuch that veſſells loaden for [with] fiſh bound for Cadiz are thereby hindred their Markett. The Councill hauing

hauing refuſed to anſwear Our Letters of ye 13th of December wee wrote a ſecond letter to them (N° 5) vpon ye 26 ffollowing, of which they haue likewiſe taken no Notice; they pretending the Repreſentatiues cannot be perſwaded to a reſolution what to do with vs: but on ye 4th of Jany inſtant (two days after they executed the Malefactor) they Cauſed ye paper (N° 6) to be printed, being a Declaration of the Authority & Gom^t repoſed in them by ye poeple, & favoured (as they ſay) by his Maties letter of ye 12 of Auguſt. Amongſt the various Reports brought vs in Goal, 'tis ſaid the Councill & Repreſentatiues haue drawn vp an Addreſſe, humbly praying his Matie to grant them a Charter, & that they intend to ſend it by a Veſſell privately to be diſpatchd from hence before they putt Sr Edm^d or any of us aboard.

I find by many printed papers ſent hither by Mr Mather That great ſolicitations haue been made by him & his freinds both to his Ma^ty, to ſome of your Lordſ^ps & to ye Houſe of Commons to obtaine a Charter, as if it were a Nationall Concern. I humbly intreat y^r Lordſ^ps to belieue that its highly neceſſary for His Maties Seruice that affaire were delaied vntill the arrivall of Sr Edm^d Andros, my ſelfe & others; to giue his Matie and y^r Lordſ^ps an account of ye Miſerable & diſtreſſd Condition of this whole Territory, made ſo by ye Arbitrary Managem^t of a factious & bygothed Party onely: and in the meane tyme, I humbly offer it as a matter of great import, to Conſider & examine how ye firſt planters of this Colony became poſſeſſd of the Charter granted to Sr Henry Roſwell & others in ye yeare 1628: of which neither in England nor in this Country hath one ſtep euer appeared. Beſides its plain, both by ye Charter it ſelfe

&

& alſo by ye Doquett thereof) which I long ſince tranſcribed out of ye Records of the Pryvie Seal Office (whereof the paper N°. 7 is a Copy) that the Charter of ye Maſſachuſetts Bay in N: Eng^d. (as thoſe of ye Eaſt India & Royall Affrican Companyes) is to be managed in Eng^d. onely: which was accordingly done by S^r. Henry Roſwell & Patentees ſoon after the Grant thereof.

All which is humbly ſubmitted
by, etc:

EDRANDOLPH.

[*Endorſed*] New England.
10 Jany 1689/90.
From Mr Randolph
to the Committee.
Rec^d 2 Apr: 1690.

RANDOLPH'S ANSWER TO MATTERS OBJECTED AGAINST HIM.

State Papers, Colonial, Entry Book, 62, p. 202. 24 Apr. 1690.[2]

Edward Randolph likewiſe humbly anſwers that about the yeare 1679 he was appointed Collector of the Cuſtomes in New-England purſuant to an Act of Parliament with full Power to put the ſeverall Acts of Trade in Execution there, which with great difficulty and hazard of his life he ſoe purſued that ye irregular Trade was ſtopped, but thereby made himſelf obnoxious to the Government which chiefly conſiſts of Traders who have openly denyed and oppoſed his Commiſſion and declared that neither the Acts of Trade nor any Law of England were in force with them till Ratifyd and Allowed of by their Repreſentatives in a Generall Court,

[2] Date of preſentation at Committee.

Court, And taking no further notice of thoſe Acts they openly continued their illegall Trade notwithſtanding many Admonitions and Commands to the contrary, ſent to them from His late Matie King Charles the ſecond and from this hono^ble^ Board whereupon the proſecution of their Charter which had been commenced in the Reigne of King Charles the Firſt, but was interrupted by the troubles ſoon after Enſueing here in England, was againe Continued, and after many Evaſions and delays on their ſide to anſwer here, the ſaid Charter was Vacated by Judgement on a Scire facias brought in Chancery in the Reigne of King Charles the 2nd And the ſaid Edward having been chiefly Employ'd by His Ma^ts^ Attorney Gen^ll^ in the ſaid Proſecution was the chief cauſe the ſaid Edward Randolph ever heard for his moſt cruell and tedious Impriſonment in the Common Goale as may appeare by the Reſolution of their Repreſentatives at Boſton in a pretended Generall Court the 28th day of June laſt where it was Reſolved that the ſaid Edwd Randolph and the other Priſoners now attending your Lõps were not Bailable, having broken a Capitoll Law of that Colony in Endeavouring and Accompliſhing the Subverſion of their Government which by the ſaid Capitoll Law of their own Invention is puniſhable with death.[8]

That the ſaid Edward Randolph doth further ſay that he had the honour of being one of ye Members of the Councill in New England, and that during the time of Sr Edmond Andros

[8] In November, 1640, "The Commons were aſked to declare that Thomas, Earl of Strafford, hath traitorouſly endeavoured to ſubvert the fundamental laws and government of the realms of England and Ireland, and inſtead thereof to introduce an arbitrary and tyrannical government againſt law." See *Fall of the Monarchy of Charles I.*, by S. R. Gardiner, Vol. II. p. 27, 1882.

Andros Government did faithfully Act for the honour and Intreſt of the Crowne and the Generall Good of that Plantation, and denies all manner of Confederacy with Sr. Edmond Andros, or that he joyned with him in making any Arbitrary Laws & Impoſitions or in threatening and puniſhing them who would not comply therewith: which is moſt humbly Submitted.

Mr. Randolphs Petn. to be Restored to his Imployment.

Board of Trade, New England, 5 (p. 206). 22 May. 1690.

To the Kings Excell: Majty

The humble Peticon of Edwd Randolph Sheweth

That ſeverall Eminent Merchants in Londo ſetting forth by their Peticon to His late Maty King Charles ye Second ye great Damages Suſtein'd in Their Trade, and far greater Loſs to the Revenue of the Crown By the Irregular Trade of the Inhabitants of New England, his ſaid Maty in ye year 1676 ſent Your Peticonr to New England with Expreſs Order to Inſpect ye Trade and State of that Country and to make Report thereof at his return to England.

That in the Year 1679 The Comrs of the Cuſtomes being inform'd that ye Acts of Trade were not Obſerv'd in New England Appointed Your Peticonr by Their Deputacon to be Collector of ye Cuſtomes, with Inſtructions to put thoſe Acts in Execution, In purſuance whereof Your Peticonr ſeiz'd upon and Proſecuted Veſſells and Goods Illegally Imported, but was oppoſed in Court by ye Governmt of ye Maſſachuſets Colony, Declaring openly that ye Acts of Trade were of no

 Force

Force in that Country, Whereupon His ſaid Ma^{ty} did in ye year 1681 Erect an Office of Collector of the Cuſtomes in New England by Comiſſion under the Broad Seal, and Appointed your Peticõner to mannage ye Same, who Obliged ye Inhabitants (as far as in him Lay) to Conforme to ye Acts of Trade.

But ſeverall Perſons in that Colony who had always oppoſed the Authority of England and the Acts of Trade, being Highly Offended at your Peticõners Proceedings, took Advantage of the Preſent Revolucõn and on ye 18th day of Aprill 1689 Seiz'd upon your Peticõner Attending Your Ma^{tys} Service in the Councill Chamber in Boſton, and Committed him to a Strict and Cloſe Impriſonment in the Common Gaol without any Mittimus or Cauſe aſſigned, where he was Treated Tenn Months wors than Pirats and Felons, his Fellow Priſoners, And muſt have Periſhed there, had not Your Ma^{ty} been Gratiouſly pleaſed by your Royall Letters of the 30th of July laſt directed to ſuch as had taken upon them ye Governm^{t} to Command them to Send Your Peticõner hither to Anſwer before Yo^{r} Ma^{ty} w^{ht} might be Objected againſt your Peticõner. That during ye time of Your Peticõners Confinement ſome Perſons here in England (well knowing your Peticõner was ſent for and coming over) tooke the Advantage of Your Peticon^{rs} Abſence and Obtein'd a Grant of your Peticon^{rs} ſaid Office under the Great Seal of England before your Peticõner could Anſwer for himſelf. Now in as much as Your Peticõn^{r} ſince his Arrivall has Attended the Councill Board, and nothing Charged upon him by the pretended Boſton Agents, And that Your Ma^{ty} has been Gratiouſly Pleaſed by Your Order in

in Councill of the 24th of Aprill laſt to diſcharge Your Peticõner

Your Peticõner therefore humbly Prayes Yor Maty to take his many years Services of the Crowne, together with the hardsps and Cruelties Suſtein'd by him, into Conſideracõn and to Order That Your Peticõnr be forthwith Reſtored to Such Offices and Places in New England which he Enjoyed at the time of Yor Matys happy Acceſſion to ye Crown.

And Yor Peticõr &ca.

[*Endorſed*] Mr Randolph's Petition to be Reſtored to his Employm in New England.
Preſented to ye Councill the 22 May 1690.
Read the 19th of June.

Mr Randolph's Accor of irregular Trade in N: England since yr Revolution.

State Papers, Colonial, Entry Book, 62, p. 231 [1690].

To the Rt Honoble ye Lords of their Mats moſt Honoble Privy Councill.

A Short Accot of the Irregular Trade carried on Since the late Revolution by the Inhabitants of New-England, but eſpecially by thoſe of the Maſſachuſetts Colony.

Humbly preſented by Edward Randolph May it pleaſe yor Lõpps.

Vpon the Petion of ſeverall Merchants in London complaining of the loſs they Suſteined in their Trade by the Boſtoners trading contrary to Law His late Matie King Charles the Second in the year 1676 ſent me thither with Orders

Orders to inſpect their Trade and Report the ſame at my Return. In the Year 1679 the Com^rs of the Cuſtoms purſuant to the Acts of Trade being Informd thereof, appointed me to be Collector of the Cuſtoms in New England, with Inſtructions to Seize and Proſecute all Goods & Veſſells trading contrary to Law, Upon my Arrivall there (and at other times) I performed my Duty with great diligence and zeal, tho' often with difficulty and hazard of my life, but was alwaies oppoſed in open Court by the Magiſtrates, and my Seizures & proſecution (tho' made upon very plain Evidence) were ended ineffectuall, for the Juries found for ye Defend^t againſt His Matie all Agreeing that the Power of the Com^rs of the Cuſtomes in matters of Trade, did not extend to their Colony.

At laſt in the year 1681 His Matie confirmed me in that Office by a Commiſſion under the Great Seal, which they did alſo invalidate by a Law made to that purpoſe, Directing the Officer of the Cuſtoms not to Act but by a Warrant from their Governor, and with the Aſſiſtance of a civill Officer, and by that ſhift, they kept up their illegall Trade untill the time that Mr Dudley was Preſident, and Sr Edmond Andros afterwards made Governor of that Colony, Then ſeverall Veſſells from Scotland, Cadiz and Malaga & others from New-England, were Seized and Condemned in the Courts of Boſton for trading irregularly, of which ſome were of conſiderable Value. This highly exaſperated the Traders and Maſters of Ships againſt me, for they taking advantage of the late tumult in Boſton, I was ſeized upon and hurried to the common Goale by a Company of Ship Carpenters, Ship Chandlers and others whoſe Livelyhood depended

depended upon the Sea, being thereto Impowered by thoſe in the preſent Governm^t whence I hardly eſcaped with my life, tho' ſoon after they ſet at liberty eight perſons committed for murder and Piracy.

The chief ends of their Impriſoning me were to Reſtore to themſelves a free Trade for their Veſſells to all parts of Europe, and alſo to deterr any perſon from accepting that Office of Collector of the Cuſtoms in that Colony without their conſent & approbation firſt had. And laſtly, To make Boſton a Store and Magazine to ſupply their Ma^tys Plantations with all ſorts of European Commodities, and thereby lopp off a conſiderable branch of the Revenue of the Cuſtoms and alſo Extinguiſh all Trade from England to thoſe Plantations, which formerly was found a great loſs to the Crown, for prevention whereof the Act of the 25th of Charles the Second for the better ſecuring the Plantation Trade was chiefly made and intended. Since the 18th of Aprill 1689 they have ſent their Veſſells to Holland to Scotland and to the Streights, (as by the annexed Liſt of ſome of them, together with a Copy of their Clearings from Glaſcow doth appear). By the Act for encreaſing of Shipping and Navigation, It is Enacted, that the Governor of every Engliſh Plantation ſhall before any Engliſh Veſſell be permitted to Load on board any of the Enumerated Plantations commodities, take Bond that ſuch ſhips ſhall carry the aforeſaid Goods to England, and the ſaid Govr ſhall twice in every Year return true Copies of all ſuch Bonds by him taken, to the Chief Officers of His Ma^ts Cuſtoms in London. Now may it pleaſe your Lõpps if the Boſton Agents can make appear, that their Govr ſince their reaſſuming ye Governm^t (which

(which is now about Thirteen months ago) has made any ſuch Returns to the Com^ns of Their Ma^ts Cuſtomes, then your Lõpps may hope they will have ſome regard to the Acts of Trade, however they ſupport themſelves in an open violation of the Acts of Trade and will ſo continue to do, untill Their Ma^ts ſhall pleaſe to ſend over an Officer duly qualified for that Service to prevent the ſame without any other dependance than upon the Lords of the Treãry and the Cõmiſſion^rs of the Cuſtomes according to the Acts of Parliament in that behalf. My Lords, I have had the hono^r to ſerve the Crowne above Twelve years in that hazardous Station and in that time made ten Voyages to and from New England, before I could bring the Traders to any ſort of Conformity to thoſe Acts, what Difficulties I have Encountred and with what fidelity and care I have managed in that Office I humbly crave leave to Appeal to the Com^ns of the Cuſtoms my Superiours, I have not otherwiſe medled with the Governm^t than as my particular Station directed me to, Nor at any time Accuſed of Neglect in my Office, nevertheleſs becauſe I have Acted by a Cõmiſſion from the Crown and been ſtrict in the proſecuting Offenders upon the Breach of the Act of Trade, that alone has been my Crime, and therefore it was reſolved that I was not baylable, having broken a capitall Law of the Colony, and to be puniſhed with death, as by the Reſolves of the Houſe of Repreſentatives (whereof Mr Oakes One of their Agents was Speaker) doth litterally appear. Viz^t Voted the 28th of June 1689 That Mr Edward Randolph is not Baylable, he having broke a Capitall Law of this Colony in Endeavouring & accompliſhing the Subverſion of Our Governm^t and having

having been an evill Councillor, Atteſts Ebenazar Prout Clerk. May it pleaſe your Lõpps, I humbly crave leave to add, that Since I have undergone ſuch hardſhips and difficulties in Setling the Affair of the Cuſtomes in New England beſides ten months Impriſonment, and in that whole tenn Years time managed to the good liking of the Lords of the Treaſury and the Com^ns of the Cuſtomes my Superiour, That no Perſon may reap the Benefit of my labour, but that Your Lõps will pleaſe to Order that I may be Reſtored to the Office of Collect^r of the Cuſtomes in New-England, in which I am ready to ſerve Their Ma^ts with all fidelity & Vigour ſo ſoon as it ſhall pleaſe Their Ma^ts to Impower me to Execute the ſame. To the end thoſe people may [be] reduced to that Conformity in Trade as Their Ma^ts Subjects in England and the Plantations, which highly tend to the increaſe of the Trade of this Nation and preſervation of Their Ma^ts Plantations in America.

AN ACCO^T OF SEVERALL SHIPS & VESSELLS TRADING IRREGULARLY IN THE PORTS OF BOSTON SALEM, NEW: LONDON &C. IN NEW ENGLAND SINCE THE 18TH DAY OF APRILL 1689.

State Papers, Colonial, Entry Book, 62, p. 231 [1690].

[Liſt annexed p. 237.]

June 5th 1689 Coll Paige Owner

The Ketch Saliſbury of Boſton Joſeph Mackſter Maſter loaden with Tobacco arrived at Boſton from Maryland without a Certificate.

The ſame Ketch Saliſbury with her Loading of Tobacco, Saild from Boſton to Glaſcow directly without Entring into Bond Andrew Dalbery Ma^r

The

July 1st 1689. The Pink Mary of Boſton Willm Blake Mar loaden with 148 hhds of Tobacco for which Bond was given in Maryland to carry the ſame to Engd but againſt the Maſters will was put a ſhore in Boſton by the Owners of the Veſſell, whereby Their Mars loſt above a Thouſand pounds ſterl: in Their Cuſtoms, The Maſter complaind thereof to the Governor, but had no redreſs.

Sept 10th The Pink Return of Boſton Mich: Shute Maſter loaden with Fiſh, but a greater quantity of Tobacco, went directly for Bilboa.

20. The Ship Pelican Abrah: Fiſher Pirate Cōmander brought in a Prize to Salem, Sold her for 250li to Mr Haythorne &c. a Magiſtrate.

21. The Bark Freedome of Boſton Ieremiah Tay Mar arrived from Newfoundland loaden with ſweet Oyle, ffrench wine and Brandy and Unliverd at Boſton.

24. The Bark Roſe of Boſton Thomas Eyre Mar from Newfoundland, loaden with Oyle, Wine, ffrench Linen and unlivered at Boſton.

25. The Bark Elizabeth of Boſton Caleb Lamb Mar directly from Holland to New Haven in Connecticut Colony he unlivered part there and the remainder at Boſton.

Sept 28th 1689. The abovementioned Ketch Saliſbury Andrew Dolberry Mar arrived from Glaſcow at the River Piſcataqua with Scotch Merchants and Scotch Manufacture.

29. The Ketch Unity of Boſton from Newcaſtle, — Oliver

Oliver Berry Ma^r in Penſilvania came to Boſton wth ſixty hhds Tobacco, but produced no Certificate.

Octob^r 3^d The Brigantine Adventure of Boſton Thomas Burrington M^r from Newfoundland unlivered at Boſton wine, Oyle and Brandy.

20. Two Ships from Ierſey Loaden with French Manufacture arrived at Piſcataqua not cleared in England.

A Ship of 150 Tuns directly from Holland unlivered her Loading at New London in Connecticut Colony loaded Lumber, Thirty horſes and took in ſome of her Hollands Goods and ſaild to Barbados.

20. The Brigantine Dove of Salem Nicholas Chadwell Ma^r from Newfoundland, unlivered at Salem, Wine Brandy and Engliſh Manufacture.

Mr Haythorne Magistrate and other Owners.

Novemb^r 4. The Ketch George Andrew Elliott Ma^r arrived at Boſton from Newfoundland and Unlivered Wine, Oyle and Brandy.

8. The Brigantine Adam Pigott Ma^r from Newfoundland Unlivered at New-London Wine, Oyle & Brandy.

The Barke Endeavour of Salem Wil^m. Gidney Ma^r arrived at Salem from Newfoundland and Unlivered at Salem Wine Oyle and Brandy. John Grafton Ma^r of a ſmall ſloop of Salem carried part of that Loading to Boſton where William Hill my Deputy ſearch^d Endeavoured to Seize her and her Loading but the Maſter and Seamen would

would not let him Search ye Veſſel of wch he complained to a Conſtable who only derided him.

The Sloop May Flower of Boſton, The: Watkins M^r from Newfoundland, Unlivered Wine, Oyle and Brandy at Boſton.

Robert Glanvill Maſter of the Ketch . . . of Salem gone to Virginia to load Tobacco there and from thence to Scotland.

19. The Ship now called the Good Hope (formerly the ffortune of Loveland) 500 Tuns Ieremiah Tay Maſter unfree bottom bound to Lampeath for Logwood from thence to Hambrough, was Seized by Capt George, who put a Sailer on board to keep poſſeſſion, The Sailer was hoyſed over board by a Tackle, and then ſhe took in a Sloop Load of Goods (was ſuppoſed to be Tobacco.)

Mr Sherrington Magistrate Own^r

22. The Ketch May Flower of Boſton Percival Miller Ma^r arrived at Boſton directly from Glaſcow in Scotland with Scotch Merchandize Mr Hambleton a Scotchman Merchant, Twelve Bailes of Goods aboard on his Acco^t

27. The Pink Endeavour of Boſton, John Blackenbury Mr Loaden with Scotch Goods, hoſe, hats &c. from Glaſcow, unlivered at Boſton. Blackenbury Reports that John Smith Ma^r of a Veſſell of Boſton was loaden at Glaſcow and ready to ſaile for Boſton, Since taken by the French.

Phillipps Treasurer & Magistrate & Mr Russell Owners.

28. The Brigantine Mary of Boſton Thomas Carter Ma^r from Holland directly with Holland Commodities, John Borland a Scotchman Merchant.

The

1689. Decemb. 13th The Ketch Jonathan of Salem Stephen Robins Ma: arrived at Salem with Goods directly from Holland.

William Clutterbrooke Ma: of the Pink . . . of Boſton from the Canaries, at Martins Vineyard loaden with wine.

Two Ketches more of Boſton upon the Coaſt with Wine from the Canaries, of which I gave Cap: George notice.

William Dolberry Ma: of the Ketch Saliſbury now at Glaſcow.

John Lawſon Ma: of the ſhip Two Brothers of Boſton loaden with 900 Spaniſh Hides, pirats Goods, and a great quantity of Tobacco, bound from thence with King Iames's Paſs to Bilboa, and Stays out three years on a trading Voyage.

The Ketch Ionathan of Salem Stephn: Robins Ma: now at Amſterdam with a Loading of Tobacco.

John Nelſon of Boſton his Brigantine William Boſſenger Ma: is bound to Virginia to take in her loading of Tobacco and bound from thence to Hambrõ.

Nathan Stanbery of Boſton ſaild Six Weeks ago from S: Mallos to Boſton loaden wth French Goods.

Chriſtopher Clarke Mate to Cap: Bant lately gon to Holland to ſail from Amſterdam in a Holland Veſſell to Boſton.

Memdm A Pink of Boſton Saild by the Caſtle from the Streights

Streights to Boſton, loaden with Oyle Fruite &c. The Cap: of the Caſtle ſtood by the ſhore, but took no notice of it. The 4th of July 1689 Mr Robert Howard of Boſton bought Twenty hhds of Tobacco of Steph. Serjeant which he then Shipt on board a Brigantine bound for Newfoundland.

Sr Wm Phips Owner. Chriſtopher Clarke Mar of the Ketch William & Mary of Boſton, Imported from Hiſpanõla, dry Hydes and a great quantity of Spaniſh Tobacco, of which no notice was taken.

Sept 30th The ſhip Good Hope of Boſton Ieremiah Tay Mar now in Amſterdam.

Lawrence Mar of a Ketch of Boſton at Glaſcow from Boſton.

Pyam Blowers Mar of ye Ketch . . . from Boſton at Glaſcow.

Octo: 10th William Blake Mar of the Pink Mary in Scotland.

An Answer to Mr Randolph's Accot touching irregular Trade Since ye late Revolution.

State Papers, Colonial, Entry Book, 62, p. 242 [1690].

To the Rt Honoble the Lords of Their Mats moſt Honoble Privy Councill.

An Anſwer to Mr Edward Randolph's Acco: of the irregular Trade carried on ſince the late Revolution by the Inhabitants of New England &c. humbly preſented by the Agents of the Maſſachuſetts Colony.

May

May it pleaſe yo: Lõps.

The Government of the Maſſachuſetts have from time to time declared that they would ſtrictly obſerve the Acts of Trade and Navigation, And that none might pretend Ignorance publiſhed the ſaid Acts & declar'd that they would aſſiſt His Ma^ty Officers and encourage Informers in the proſecution of the Breaches thereof, and have Acted accordingly. The Governor is Annually ſworne by a particular Oath to the faithfull diſcharge of his Truſt therein. The Government and Inhabitants in generall have no advantage by irregular Trade but the Offenders only, whom they have been and will alwaies be ready and forward to find out and puniſh as the Acts direct. As to Mr Randolphs pretence that his Commiſſion was invalidated by a Law made for that purpoſe &c. The Law itſelf proves the contrary, which is in theſe words. And for the Encouragem^t of His Ma^ty Officer or Officers and all Informers, It is hereby declared, that the ſ^d Officer or Officers and Informers, ſhall from time to time be aided and aſſiſted by all Marſhalls, Conſtables and other Officers by Warr^t from the Governor, Dep^ty Governor or any Magiſtrate, in the proſecution of the Breaches of the ſaid Acts of Trade & Navigacõn It is very probable Mr Randolph was diſpleaſed at this Law, becauſe it was his deſire and Intereſt that no Informer ſhould be allowed beſides himſelf But the Governm^t being deſireous that thoſe Acts might be duly and impartially obſerved, did thereby encourage others to Inform, judging that to be agreeable to the direction of the ſaid Acts and the ſureſt way to prevent the Eluding of the ſ^d Acts by Bribery and Corruption. It is true Mr Randolph ſeized and proſecuted ſeverall Veſſells

and

and Goods for irregular Trading. But upon the Tryall (as we underſtood) his proofs were ſo very defective, that the Juries would not find for His Matie and it was generally underſtood in the Colony, that he did it purpoſely to bring an Odium upon the Governm^t^ the better to Effect the deſign in wch he was engaged of deſtroying their Charter and all their Rights and Priviledges, and divers credible Perſons in New England, have affirmed, they know Mr Randolph notoriouſly guilty of Bribery and corruption. And that upon that Accompt he let ſeverall Offenders go unpuniſhed which We do not doubt but they will be ready to prove, if competent time for ſuch purpoſe be allowed by Your Lõpps.

And whereas he ſaith the chief end of his Impriſonment upon the late Revolution, was to reſtore a free Trade to themſelves &c. We humbly Offer that Mr Randolph was the Perſon Imployed in the two laſt Reigns to proſecute Quo Warranto's and deſtroy the Charters in New-England and in ſetting up an arbitrary Government there, which he effected againſt the Maſſachuſetts Colony, and that the many falſe Informations & miſrepreſentations of that Governm^t^ exhibited by him were great occaſions of thoſe violent proſecutions againſt the Charters, The ſaid Mr Randolph alſo procured to himſelf the Office of Secretary and to be one of the Councill, which Councill took upon them to make Laws and levy mony without an Aſſembly or any Conſent of Their Ma^ts^ Subjects in New-England, begging their Lands of Sr Edmond Andros in ſeverall places and Endeavouring to force the Inhabitants to become Tenants to the late King James under ſuch Quitt Rents as Sr Edmond

mond Andros ſhould pleaſe to lay on them after compelling them to take new Grants of their Lands, pretending all to be the King's, and making them pay unreaſonable Summes of mony for their p'tended Patents. Theſe were the true reaſons why he amongſt others of that Government (of whom he was one of the moſt malicious and active) was impriſoned and not his being concernd about proſecuting the Breaches of the Acts of Trade as he pretends, the other Officers for that Affair being continued in their places and charged diligently to attend their Duty by the preſent Governm! there.

The Merchants in New England are far from diminiſhing the Revenue of the Crown, for they ſetch in their Tobacco from Virginia, and there pay to Their Ma^ty one penny p pound for all they take on board which is the full value of the Loading there, and at Barbados and the other Iſlands, They pay to Their Ma^ty the Duty upon Sugars &c. before they can bring them from thence, and thoſe Goods they cannot ſhip off but for England, Wales or Berwick, and here they pay again to Their Ma^ty the full Duty as if nothing had been paid before, So that their circular Trade brings in for Revenue to the Crowne, double to any other of Their Ma^ty Plantations, And if they carry their Tobacco &c. to Holland, they pay three times as much as other Their Ma^ty Subjects do.

In the *Andros Tracts*, Prince Society, Vol. II. p. 130, the anſwer continues as follows: —

Mr Randolph is pleaſed in his paper to take what liberty he thinks fit in commending himſelfe and reflecting upon the

the preſent government of the Maſſachuſetts Colony. But we hope no part of his Charge ſhall be taken to be true further than he can make it out by proofs. Becauſe tho' he begin his paper with that Specious pretence of zeale for their Majeſtys Intereſt it all ends in his owne And in a deſire to be put into an Imployment.

As to Mr Randolph's accot of the ſeverall ſhips and veſſells trading Irregularly in the ports of Boſton, Salem New: London &c. in New England ſince the 18 of April 1689 It cannot be expected that we at this diſtance from New England can be provided Suddainly to give an accot of the partiqular Loadings of all theſe Veſſells or indeed that ſuch were there. Here being but very few perſons of New England now in towne by whom we might Informe our ſelves: But from wt we have it is humbly offered.

That the Ketch whereof Joſeph Thaxter was maſter having loaden in Virginia or Mary-Land arrived at Boſton ſoon after the Revolution declaring that they were bound for England and put in there only to furniſh them ſelves with neceſſaries for their Voyage & accordingly Sailed from thence-with the Same Loading: ſo that it is evident that Virginia or Mary Land was the place where he ought to give bond and not Boſton as Mr Randolph would Inſinuate.

The Pinke whereof Will. Blake was maſter Loaded alſo in Virginia or Maryland and was bound for England but Springing a Leake at Sea came to Boſton to preſerve themſelves & Cargoe and refitt the ſhip: But after they had been ſomtime there the Ship Sunke in the Dock. And if the Tobacco was taken out we ſuppoſe it was to ſeperate the damnified from the Sound. And the Government there declared

declared the ſhip with her Cargoe ought to proceed her Voyage for England And both Ship and Cargoe were there in aprill Laſt.

Shute carried Fiſh but we know not of any tobacco. teſt. Sam[n]. Turell.

The ſhip Pellican was a banker brought in by a Dutch privateer and bought at Salem to goe againſt the French at Accada and fitted for that deſigne under the command of Capt. Cyprian Southaike Commiſſioned by the Lords of the Admiralty; teſt. Capt. Bant M[r] Welſtead & M[r] Nicholſon.

As to the ſeverall veſſells ſaid to come from Newfound Land we know of no other goods they brought but fiſh and traine Oyle: And if ſuch a quantity of Brandy was by them Imported as M[r] Randolph would ſeem to Intimate Doubtleſs it would be deſigned for merchandiſe: when as ſom of us certainly know that the Laſt winter we could not get a Caſe of French Brandy in all Boſton for our mony; teſt. George Nicholſon Will. Welſted & Epaphras Shrimpton.

The Barke Elizabeth: Caleb Lamb Maſter came from Tarcera to Newhaven in Connecticott Colony and from thence to Boſton: teſt. Will. Welſted.

Andrew Dolberry brought a Cleering from ſome Port in England which he ſhewed to the Governor: as the Governor declared to the Councill.

The Ketch Unity: we know nothing of, but if ſhee came from Penſilvania the goverment there were concerned to take Bond and not that of Boſton.

The two ſhips ſaid to come from Jerſey Cleared at Dartmouth and went with the New England Fleet under Convoy from Plymouth: teſt. Capt. Bant and M[r] George Nicholſon.

 The

The ſhip of 150 tunns ſaid to goe directly from Holland to New-London in Connecticott Colony and thence to Barbados we know nothing of but are Informed that no ſuch ſhip was arrived at Barbados when the Laſt fleet came thence. Teſt. Sam^{ll} Turell.

The Ketch George: Andrew Eliott maſter ſaid to come from Newfound Land with wine oyle and Brandy Sailed from Penſilvania not from Newfound Land to Boſton: teſt. Sam^{ll} Turell, but her Loading we know not.

If Robt Glanvill be gon to Virginia and Loads there And goe from thence to Scotland we conceive that will not affect the goverment in New England if they in Virginia ſhould neglect their duty.

The ſeiſure of the ſhip Fortune of Courland we know not. But the f^{d} ſhip the voyage before was allowed to Load at Boſton by Sr Edmond Andros. And after the Revolution coming from Barbados againe to New England: Mr Shrimpton deſired liberty to Load her as before but the Goverment would not allow it as being contrary to the Act of Trade. And therefore the ſhip never came within Command but went to the Bay of Campeach. And the ſuppoſed Tobacco was proviſions for her voyage thither. teſt. Will. Welſteed: Epaphras Shrimpton.

The Ketch Mayflower Percival Miller maſter brought a Clearing from Beawmorris which he ſhewed to the gover^{r} of Boſton.

The Pink Endeavour John Brakenburg maſter her Loading we know not. Nor whence ſhe arrived at Boſton.

The Briganteen Mary: Thomas Carter maſter ſaid to goe from Holland directly to Boſton: went from Holland to Dover

Dover and there Cleared and from thence to Boſton: Neither was John Borland in the ſaid veſſell: teſt. Capt. Bant: Mr Nicholſon.

The Salem Ketch alſo Cleared in England and went with the New England fleet from Plymouth: teſt. Capt. Bant, & George Nicholſon.

Will: Clutterbuck from the Canaries his ſhip and Cargoe of wine was under a ſeiſure at Boſton in Aprill laſt in order to a tryall: teſt: Will: Welſteed.

The Ketches ſaid to be upon the Coaſt from the Canaries if arrived are doubtleſs ſeiſed as well as Clutterbuck.

Mr Dolberry was at Boſton in Aprill laſt. Not knowne to be preparing for any voyag: therefore not likely to be now at Glaſgow. teſt. Will. Welſteed.

John Lawſon maſter of the two brothers was ſeiſed at Bilboa as bringing thither Contraband goods from New England: which was occaſioned (as is ſaid) by Mr Randolphs Information but upon more ſtrict enquiry no ſuch matter appeared and the ſhip and ſecurity was diſmiſſed: teſt. Mr Shrimpton Mr Murritt: Mr John Ive, Mr Uſher.

The Ketch Jonathan went from Fyal to Holland teſt. Capt. Bant.

Mr Nelſons Briganteen was in Barbados february Laſt; teſt. Samll Turell and if ſhe goe to Virginia the Officers there, and not in New England will be concerned in her voyage thence.

Nathan Stanbury we know not wither gone. Chriſtopher Clarke is gone to Holland to be maſter of a ſhip bound to Surinam and thence to Holland againe in the employment to Mr Greenwood of London a freeman of the Surinam Company: teſt. Will. Harris.

The

The Pinke from the Straits we know nothing of, neither is it Likely the Capt. of the Caſtle ſhould know w^t^ is in the ſhip as ſhe paſſes by.

Hides have been brought out of the Weſt Indias to New England and thence Shipped for England which we humbly conceive is no breach of the act of trade.

We know nothing of Mr Howards tobacco but if what is aſſerted be true how can that and many other of Mr Randolphs Charges affect the Goverment unleſs Complaint had been made to them And afterwards they neglect their duty.

By w^t^ is above written it^s^ evident that many of Mr Randolphs articles in his acco^t^ are fallacious and ſeverall of them moſt untrue which gives us cauſe to thinke the reſt are of the ſame nature.

all of which is humbly ſubmitted,

vera HENRY ASHURST. INCREASE MATHER.
copia ELISHA COOKE. THOMAS OAKES.

NEW-ENGLAND'S FACTION DISCOVERED; OR A BRIEF AND TRUE ACCOUNT OF THEIR PERSECUTION OF THE CHURCH OF ENGLAND; THE BEGINNING AND PROGRESS OF THE WAR WITH THE INDIANS; AND OTHER LATE PROCEEDINGS THERE, IN A LETTER FROM A GENTLEMAN OF THAT COUNTRY TO A PERSON OF QUALITY. BEING AN ANSWER TO A MOST FALSE AND SCANDALOUS PAMPHLET LATELY PUBLISHED; INTITULED, NEWS FROM NEW ENGLAND, &c.

Andros Tracts, Prince Society, Vol. II. p. 205, 1690.

Honourable Sir,

Tho I have but very lately adviſed you of my Arrival, and given

given you ſome ſhort and general Account of the State and Circumſtance of Affairs in *New-England*, at the time I left the place; which I thought might have been ſufficient, until I ſhould have the Honour to wait on you perſonally; but having had the view of a certain Pamphlet lately Publiſhed and Intituled News from *New England* &c. pretending to give an Account of the Preſent State of that Country, and finding the ſame ſo very fictitious, falſe and ſcandalous, publiſhed out of a moſt wicked deſign to vilifie and traduce ſome Worthy Gentlemen, who have been better Friends to our Country, than ever the obſcure Author thereof was, or knows how to be, and to amuſe and perplex others: I could not forbear out of my Zeal for truth, and the love and value I have for the Peace and Welfare of my Country, to give you the trouble of this Letter, to diſcover the falſeneſs of the pretended News, and the baſeneſs and ignorance of the Author; who without great difficulty may eaſily be gueſſed at, and known by his fruits.

And therefore it may not be amiſs to acquaint you, that about two years ſince, one Mr. *J. M.* pretended Teacher of the Goſpel in *Boſton*, privately left that place and came for *London*, where of his own authority, he ſet up to be an Agent for the Country, and uſed all the art and ſubtilty he could, during the Reign of King *James*, to indear the ſame into the affection of F. *Peters*, Mr. *Brent* and *Nevil Pain*, undertaking as well for himſelf as us to ſubſcribe to the taking off the Penal Laws and Teſts, to ſupport the Diſpenſing Power, and to ſatisfie his own malice and prejudice (without any ground or reaſon) conceived againſt the then Government of *New-England*.

This

This Man, as it was the opinion of moſt ſober and conſiderate Men when I left *New-England*, ſo I may very juſtly term the Author and Promoter of all our miſeries, founded upon apparent and wittingly deviſed Lyes and Calumnies, carried on under pretence of Zeal and Piety, infinuated into, and impoſed upon many of the common People, hurrying them into miſchiefs and inconveniences now ſufficiently ſeen, felt, and repented of; Him therefore, I will conclude the author of the before-mentioned Pamphlet; the falſities whereof I ſhall now plainly and briefly detect, to prevent your ſelf and others being impoſed upon by him, as many of my Countrymen and others have too lately been.

And in the firſt place I cannot omit to take notice of his poſitive confidence to charge a Commiſſion granted in due form under the Great Seal of *England*, for the Government of one of Their Majeſties Plantations, Illegal and Arbitrary; and that Government a Tyranny, which was by virtue thereof exerciſed with a thouſand times more juſtice and lenity, than when under the pretended Charter, Adminiſtration or Commonwealth Diſcipline, without any Authority for the ſame whatſoever; if the Author had been but as well acquainted with the Law, as he was with the Declaration he refers to (and no doubt was the firſt contriver of) he would have been of another judgment, or at leaſt have conceal'd it until the Opinion of his Superiors had been given therein.

2. That the War with the *Indians* was begun, as the Author there relates, or that it was ever affirmed by the *Indians*, that they were encouraged thereto by Sir *E. A.* is wholly falſe; for in the Summer 1688, when Sir *E. A.* went to receive and ſettle the Province of *New-York*, then annexed

nexed under his Government, it ſo happened, that a Party of about Nine *French Indians* fell upon an *Indian* Plantation at a place called *Spectacle pond* near *Springfield* on *Connecticott* River, and kill'd and carried] away about Nine *Indians*, and after coming to a ſmall Village on that River called *Northfield*, they killed ſix Chriſtians, and being purſued, fled; the noiſe of theſe Murthers ſoon ſpread throughout the Country, and notice was given thereof to all the Frontier or Out-parts, adviſing them to be vigilant and careful to prevent Surprize by any ſtrange or ſuſpected *Indians;* and ſoon after this news came to *Saco*, (a Town and River in the Province of *Maine* above three hundred miles diſtant from the places before-named, called by that name) Five *Indian* Men and Sixteen Women and Children who had always lived and planted on that River were ſeized on, and ſent by Water to *Boſton*, ſome of whom were ſo old and feeble that they were forced to be carried when aſhore, on others backs. On their arrival at *Boſton*, the Lieutenant Governor and thoſe of the Council there, examined into the cauſe of ſeizing thoſe Indians and ſending them thither; but finding that no Cauſe was ſent with them, nor any ground or reaſon to hold them in Cuſtody, they returned them to the place from whence they came, to be ſet at liberty; but before they arrived there, the Engliſh near thoſe parts were got to their Arms and Garriſons: Other *Indians* of *Ambroſcoggen* and *Kenebeque* River, hearing that thoſe of *Saco* were ſeized and ſent away, forthwith ſurpriſed as many of the *Engliſh* in *Caſcobay* and *Kenebeque* River, ſaying, they intended no harm, but would keep them until the *Indians* were returned: Upon the Arrival of the returned *Indians*, they were ſent unto,

unto, and a day and place agreed upon when both the *Engliſh* and *Indians* were to be ſet at liberty, and all to be compoſed; but the *Indians* not coming at the time appointed, the *Engliſh* waited not for them, but were not long gone ere they came, and by an *Engliſh* Man and two *Indians*, ſent a Letter to the next Gariſon, importing their readineſs to deliver up the *Engliſh*, and to make ſatisfaction for any hurt or ſpoil done by them; who from that Gariſon were Fired upon and ill treated, and not ſeeing how what they expected could be anſwered, ſome of them diſcover'd other *Engliſh* men on a Neck of Land near the place appointed to meet at, and endeavouring to ſeize ſome of them, were engaged in a Skirmiſh where five of the *Engliſh* were killed and ſeveral of the *Indians* wounded, who preſently after in a rage killed two of the *Engliſh* captives.

In this manner, and no other was the War begun; whereupon two Troops of Soldiers were raiſed, and ſent to the aſſiſtance of thoſe parts againſt the *Indians*, with Proviſion and Ammunition neceſſary by thoſe of the Council at *Boſton*, and the *Indians* firſt mentioned to be taken, were again ſent back and Impriſoned; and all in the abſence of Sir *E. A.* Upon his arrival at *Boſton* and being informed of the above, and that ſuch *Indians* were in Priſon, a Committee of the Council was appointed to examine and ſee what Grounds or Cauſe there was for their Commitment or Detainer; and the Committee reporting they could find none, thoſe *Indians* were by order of Council ſet at liberty, to be ſent to the place from whence they were brought if they deſired it; As for the miſchief ſaid to be ſuſtained by the Inhabitants there, it cannot be imputed to thoſe *Indians*, for it was either done while they

they were in cuſtody, or ſince the Rebellion and Subverſion over the Government, from whence begins the date of our Miſeries; and I have juſt reaſon to believe, the Author was too far concerned therein, as is evident by his directing of his Letters to *Simon Broadſtreet*, Eſq:, Governor of the *Maſſathuſets* &c, before it was poſſible for him to know that he was ſo, or could have any ground to believe he would be, unleſs he had contrived or directed it.

3. There was no endeavours uſed to keep the People ignorant of affairs in *England*, nor were any Impriſoned for diſperſing the Prince's Declaration; which was never publickly ſeen or known to be in *New-England*, till ſome time after the Inſurrection. Tho I have heard, that one *Winſlow* arriving at *Boſton* from *Nevis*, about the beginning of *April* 1688, and pretending to ſhew to ſeveral perſons a Written Copy of the ſaid Declaration, was ſent for before a Juſtice, and being examined about the ſaid writing, denyed he had any ſuch thing; and behaving himſelf contemptuouſly, he was committed to Priſon; and the next Morning producing the ſame paper to the Juſtice, he was diſcharged without any further trouble or proceeding; and this was all that was acted in *New-England*, relating to the Prince of *Orange's* Declaration; ſo that there was no grounds or reaſons to ſtir up the People to Sedition, but only the ambitious deſires and wicked inclinations of their former Popular Magiſtrates and Members, to ſet up their old Arbitrary Commonwealth Government, that freeing themſelves from the Authority of *England*, they might without fear of puniſhment, break all the Laws made for the encouragement and increaſe of the Navigation of *England*, and regulating and ſecuring the

 Plantation

Plantation Trade, as is ſufficiently evident by the ſeveral Veſſels ſince arrived from *Holland*, *Scotland*, *Newfoundland*, and other places prohibited by the Acts of Trade and Navigation.

And that ſuch was their deſign, to rend themſelves from the Crown of *England*, will appear by the free and open confeſſion of ſome well knowing in that Conſpiracy; who have ſince declared (before Witneſſes of undenyable truth now here in *England*) that the deſign of ſeizing upon Sir *E. A.* and ſubverting Kingly Government in *New-England* had long been contrived and reſolved on, and was to have been done the beginning of *January* 1688; and that thoſe concerned in the late Revolution were then to have acted the like parts, at which time there was no account of the Prince of *Orange's* intention of coming into *England* known in that Land.

4. It cannot be ſaid that ever any unlawful Levies of Money were made upon the Subject under the Government of Sir *E. A.*, for all that was raiſed in his time was by virtue of a Law made and practiſed for about Fifty Years before, which was continued and confirmed by expreſs command under the Great Seal of *England*, for ſupport of the Government, and was but a Rate of one Penny in the Pound, to be annually collected by Warrant from the Treaſurer; which thoſe who lately aſſumed the Government have ſo far exceeded, that for about Six Months management, they have cauſed ſeven Rates and an half to be levied; and I have ſince advice that they have ordered Ten Rates more to be exacted.

5. By the Actings and Proceedings of theſe *New-England* Reformers,

Reformers, it is eaſily to be ſeen, what regard they had to Religion, Liberty and Property; having now had an opportunity to make themſelves Perſecutors of the Church of *England*, as they had before been of all others that did not comply with their Independency, whom they puniſhed with Fines, Impriſonment, Stripes, Baniſhment and Death; and all for matters of meer Conſcience and Religion only: The Church of *England*, altho commanded to be particularly countenanced and encouraged, was wholly deſtitute of a place to perform Divine Service in, until Sir *E. A.* by advice of the Council, borrowed the new Meeting-houſe in *Boſton* for them, at ſuch times when others made no uſe of it, and afterwards promoted and encouraged the building of a New Church for that Congregation, to avoid all manner of Offence to their diſſenting Neighbors, which was ſoon compleated and finiſhed at the particular charge of thoſe of the Church of *England;* whoſe number daily increaſing, they became the enemy as well as hatred of their Adverſaries, who by all ways and means possible, as well in their Pulpits as private Diſcourſe, endeavour'd to aſperſe, calumniate, and defame them; and ſo far did their malice and bigotry prevail, that ſome of them openly and publickly hindered and obſtructed the Miniſter in the performance of the funeral Rites, to ſuch as had lived and dyed in the Communion of the Church of *England:* And a moſt ſcandalous Pamphlet was ſoon after Printed and Publiſhed by *Cotton Mather*, Son of the before mentioned *J. M.* intituled "the unlawfulneſs of the Common-prayer Worſhip" wherein he affirms and labours to prove the ſame to be both Popery and Idolatry; and ſeveral ſcandalous Libels both againſt the Church and Government,

ernment, were ſpread and ſcattered up and down the Country, inſinuating into the Common People, that the Governor and all of the Church of *England* were Papiſts and Idolaters, and to ſtir them up to Faction and Rebellion, for which the ſaid *Cotton Mather* and others were bound over to anſwer according to Law, but was ſuperſeded by their Inſurrection. And the Juſtices having iſſued their Warrant for the obſervation of the 30*th* of *January* purſuant to Statute, the ſame was called in and ſuppreſſed by Captain *Waite Winthrop*, one of the Council, who in the Commotion appeared the chief Man and Head of the Faction againſt the Government, which he twice ſwore to maintain and ſupport, and tho at the time of the Revolution moſt of the Principal Officers in the Government were of the Independent and Preſbyterian Party, yet their malice and fury was not ſhewn to any of them, but only uſed and exerciſed againſt thoſe of the Church of *England*, whom (as well the Governor as other officers of the Government, and principal Members of that Church) they ſeized and moſt barbarouſly Impriſoned.

The Church itſelf had great difficulty to withſtand their fury, receiving the marks of their indignation and ſcorn, by having the Windows broke to pieces, and the Doors and Walls daubed and defiled with dung and other filth, in the rudeſt and baſeſt manner imaginable, and the Miniſter for his ſafety was forced to leave the Country and his Congregation and go for *England;* the Perſons Impriſoned were kept and detained without any Warrant, *Mittimus* or cauſe ſhewn, and ſeveral of them had their Offices and Houſes broke open, their Goods and Eſtates taken away, ſpoiled and embezelled: and when application was made to the new

aſſumed

aſſumed Authority, for the benefit of the *Habeas Corpus* Act, and other Laws made for the Liberty of the Subject and ſecurity of their Property, the ſame was denyed with this reaſon given amongſt others afterwards there publiſhed in Print; that till the unhappy time of Sir *Edmund's* Government, the Laws of *England* were never uſed, nor any *Habeas Corpus* granted in *New-England*, and therefore not to be expected then; and about Ten Weeks after their Confinement, ſeveral of the Chief Officers were by the Houſe of Repreſentatives voted not bailable, for no other cauſe or pretended Crimes than for being imployed by the Crown, having therein ſo faithfully and truly behaved themſelves that none could juſtly lay any Crime to their Charge.

By this means many ſuffered Ten Months Impriſonment and others leſs, being turn'd in and out of Goal as the Arbitrary pleaſure of their New Rulers ſhould be verbally known. In their new Erected Courts they have publickly declared they have nothing to do with the Laws of *England*, and ſeveral of Their Majeſties Subjects have not only been Fined and Impriſoned by the Arbitrary Will of the Magiſtrates without any lawful Tryal by a Jury of their Peers as the Laws of the Land direct, but for pretended Crimes, ſentenced to Death, without any lawful Authority or Legal Form of proceedings, and ſome of them Executed.

6. It is very true, that ſince the Impriſonment of the Governor and alteration of the Government in *New-England*, the whole County of *Cornwall*, great part of the Province of *Maine*, and part of the province of *New-hampſhire*, are over-run and deſtroyed by the *Indians;* but the occaſion thereof has been by that Inſurrection, and the withdrawing

withdrawing of the Forces left in thofe Parts by Sir *E. A.* and deferting the Garifons there, which was alfo the lofs of the Fort at *Pemaquid* and above three Hundred of His Majefty's Subjects there; and, notwithftanding the Malice of the Author, cannot be the leaft imputation on Sir *E. A.*, who during the time of his Government kept the whole Dominion from injury, fave what was done at firft by furprizal; as by every honeft man will be confeffed; for what was done in releafing the *Indians* before mentioned was not an Act of Favour but Juftice, nor done by him alone but with advice of the Council, and I can fee no reafon why either *Indians* or *Englifh* fhould be Imprifoned or Reftrained of their Liberty without fufficient caufe, or why if one Indian commits an Offence, all must be blamed or punifhed for it, tho they are things fo often ufed and practifed by our old Charters in *New-England.*

Neither were the numbers or quality of thofe Indians capable of doing fuch mifchief, tho the follies and madnefs of the People fince the Revolution have encouraged and provoked many to be their Enemies, and increafed their numbers, and no doubt given the *French* fair advantages to come into their affiftance.

The Fort at *Pemaquid* was burnt by the *Indians*, and the Guns fometime after fetched from thence, by fome of the Forces fent from *Bofton* and brought thither by them, fo that what is mentioned about the *Dutch* Privateer is wholly falfe.

7. As to the pretended bloody Fight faid to be between the *Englifh* and *Indians*, it was only after this manner: A Party of about three hundred *Englifh* and Friend *Indians*, under

under the Command of Captain *Benjamin Church*, being over-night landed at a Town called *Falmouth* in *Cascobay*, in the Province of *Maine*, the next Morning early, a Party of *Indians* of about two hundred came to attack that place, who meeting with *Anthony Brackett* and his two Sons going to his Farm a little diſtant from the Town, they Fired and Killed them, and by that alarmed the place; and thereupon a Party was ſent to diſcover, who adviſed what they were, and that they were very near the Town; the whole number of Men being all called together had Ammunition delivered to them, but by reaſon of the unſizableneſs of their Guns and Shot, they were forced to beat their Bullets into Slugs, which made it late before they could March to the Enemy, who in the meantime had the opportunity to poſt themſelves advantageouſly behind Fences, Hedges, Old-Trees, *&c.* and in that manner they engaged; and after about two hours diſpute the *Indians* retreated into a ſmall ſwamp, and our Forces left them with the loſs of Eleven men and Seven wounded, of which Five after dyed; but it was not known that one *Indian* was killed: and this is all we can brag of in that Service, which was only fortunate in that the Forces were there when the *Indians* came to attack the Place, which elſe probably they would have carried; tho it's believed had our Forces been ready to have attacked and purſued the Enemy, ſome greater advantage might have been gained; but by late Advice I am informed that Place is alſo deſerted.

There is little dependence on thoſe we call our Friend *Indians*, for they are as great Strangers in the Eaſtern Country as the *Engliſh*, and will not travel or venture farther

ther than they, tho being uſed to the Woods, may be quicker ſighted to diſcover the Enemy. You may perceive the fiery Zeal of the Author and his Correſpondent, who will not admit of a Charitable Expreſſion or Character of his ſuffering Neighbours, but after they have been the cauſe of all their Miſeries and Ruine, muſt expect no other comfort from them than to be accounted and termed Heatheniſh *Engliſh* Plantation; for which I cannot conceive any reaſon, unleſs that many in thoſe parts have been differently educated from thoſe of *Boſton*, and are of the Church of *England*, whoſe Forefathers for that Cauſe only were forced to remove ſo far to eſcape the laſh of their Perſecutors in the *Maſſathuſets* Colony.

8. We have no reaſon to brag of our Armies Purſuit after the Enemy, for it was never known that any Party laſt Summer went twenty Miles from our Settlements (or Place where they had done us miſchief) after them, neither according to the methods taken would it avail if they had; for tho they knew the *Indians* are in Arms, and taking all the Opportunities to attack and deſtroy them, yet no ſuitable Proviſion was made for our out-Towns and Frontiers for their Security and Defence; but after Advice given to *Boſton* of a Town or Settlement being burn'd and deſtroyed, in about a Fortnights time an Army or Party of about two or three hundred Men would be ſent to the Place to ſee if it were true or not, and whether the *Indians* did not ſtay for their coming; which Army of ours uſually abide thereabouts till they have eaten and conſumed what ſtock of Cattle or Sheep the Indians had left, and then return home again.

That any Captives, eſcaped from the *Indians*, affirm that the

the *Indians* ſay they are encouraged by ſome Gentlemen in *Boſton* vigorouſly to proſecute the War, is mere Invention and a moſt falſe and groundleſs Imputation, unleſs by ſuch Gentlemen in Boſton are meant *Foſter* and *Waterhouſe*, two of their own Party, who being of the Conſpiracy to ſubvert the Government, ſometime in *March*, about a month before the ſame was put in Execution, loaded a Brigantine with Proviſion and Ammunition at *Boſton*, and entered her for Bermudoes, but ſent her to the Eaſtward amongſt the *French* and *Indians*, then in actual War with us, and furniſhed and ſupplied them therewith, when the Governor and the Forces were out againſt them and had reduced them to the greateſt want and neceſſity both for Proviſion and Ammunition; and ſoon after the Revolution that Veſſel returned from thoſe Parts with her Loading of Bever and Peltry, which was publickly known and talked, but no notice taken thereof, the grievous effects of which the Country well knows, and are very ſenſible thereof.

The two Captives that laſt eſcaped and came to *Boſton*, related, that by the Service done by Sir *E. A.*, the laſt Winter was Twelve-months, againſt the *Indians*, they were reduced to that neceſſity both for Ammunition and Proviſion, that in the Spring following they reſolved to come in and ſurrender themſelves at Mercy, which they no doubt had done accordingly, if the Revolution at *Boſton* had not happened, the Forces being drawn off from the Eaſtern Parts, Garriſons deſerted, and they ſupplied with Ammunition and Proviſion from *Boſton*, which was the only encouragement they had to renew and continue the War upon us, and has much increaſed the Numbers of our Enemies.

 T'is

T'is true the Mohawks (tho a ſmall) are a warlike Nation, and have been long Enemies to the *French* in *Canada*, and now in War with them; but that no ways affects us in *New-England* any otherwiſe than as it is ſome Diverſion to the *French;* for thoſe *Indians* that war againſt us are in a direct oppoſite part of the Country, remote from them, and can be ſupplied from *Canada*, *Port-Royal*, and *Nova Scotia*, altho thoſe Mohawks endeavour to obſtruct it; and I could never hear any Offer made by them to that purpoſe, or that they would engage againſt our Enemies, for we never had any Acquaintance or Correſpondency with them, to influence them to our Aſſiſtance, they being very remote from *Boſton*, and always under the Government of *New-York*. but I have been informed by Letters from Perſons of good credit at *Albany*, that when the Agents ſent from *Boſton* to treat with the *Mohawks* and renew their Peace and Friendſhip with them and deſire their Aſſiſtance, propoſed the ſame, the *Mohawks* replied, That it was unneceſſary for them to come ſo far to renew their Peace, ſince it was to the *Indians* Knowledge there had been no War between them, and that they had not only by Words but by Action manifeſted their good Heart to the *Engliſh*, particularly to *New-England*, ſince they had by means of the Government of *New-York* engaged themſelves in the laſt *Indian* War for their Intereſt, againſt the *Indians* their Enemies, by which much Chriſtian blood was ſaved, altho but little notice of their Service has been taken by thoſe who had the benefit thereof: that they were then in War againſt the *French*, and would not increaſe the number of their Enemies, until they certainly knew that thoſe Eaſtern *Indians* aſſiſted the *French* againſt

againſt them. This is the ſum and truth of that Negotiation which coſt us above four hundred Pounds Expence; and what Advantage or Credit we are likely to get thereby, all Men may judge.

We of *New-England* (I find) are too apt to boaſt of what we neither underſtand nor have any aſſurance of, and build too much on miſtaken Notions and falſe Grounds, as in this Caſe of the *Indians*.

9. The Story about the *Mohawks*, Jeſuits, and Eclipſe of the Sun, has not been heard of or acted in any part of *New-England*, but, as I am informed, is an old Story taken out of ſome Hiſtory of the Spaniſh *Indies*, and only inſerted by the Author to enlarge his ſtrange News, and fill up his Paper.

But it muſt be admitted that with thoſe *Mohawks* and other *Indians* ſeveral *French* Prieſts and Jeſuits have dwelt and inhabited, and endeavoured to propagate their Religion amongſt them, which is more than any of our *Engliſh* Prieſts or Teachers have done; for altho by the Piety of our Forefathers conſiderable Sums of Money have been given, and a Corporation erected for the Evangelizing of the *Indians* in *New-England*, a very ſmall progreſs hath been hitherto made therein; and now ſcarce any Endeavours or proper Means uſed at all for their Converſion, the large Sums of Money are annually ſent over and diſpoſed of amongſt the Brotherhood on that pretence, which the Government or thoſe chiefly concerned therein, would do well to enquire after, now there are ſo many of that Country here, capable to give an Account thereof, that ſo good and pious an Undertaking may be neither neglected nor perverted.

10. It is too true, that great Devaſtations have been made in

in *New-England* by the *Indians* ſince the Revolution there, which thoſe that ſubverted their Majeſties Government haue been and are the ſole occaſion of; and that the Fort of Pemaquid, a conſiderable Frontier next the *French*, hath been taken, the whole County of *Cornwal*, greateſt part of the Province of *Maine*, and a part of the Province of *Hampſhire*, are deſtroyed and deſerted, beſides other Miſchiefs in the *Maſſathuſets* Colony within thirty miles of *Boſton;* the loſs and damage of all which when I left *New-England*, was not computed at leſs than one hundred thouſand Pounds, beſides the loſs of above three hundred of their Majeſties Subjects, and the whole Fiſh, Maſt and Lumber Trade, and all Out-parts forced to Garriſons.

But that ſo conſiderable a Force (as is pretended) was ſent out againſt the ſaid *Indians* is a Miſinformation; for there was not one Man ſent from Connecticott laſt Summer, nor had they reſolved to be concerned in the War, tho much perſuaded thereto by thoſe of the *Maſſathuſets:* and when I left thoſe Parts and for ſome Months before, there was not a Soldier out; and they have reaſon enough to apprehend an Attack from the *French* as well as the *Indians*, in the Spring, ſo ſoon as the Rivers are open and the Snow of the Ground; which by their present ill Management, want of Authority, and the many Diviſions amongſt them) they will not be in a poſture to reſiſt, nor to defend and ſecure themſelves and Country.

11. I did hear before I left *New-England*, that about ſixty Men were ordered to march for *Albany* from the ſeveral Towns on *Connecticott* River; but whether they were to aſſiſt thoſe of *Albany* againſt the *French*, or to reduce them

them under the Subjection of that Rebel *Leslier* (who by the evil Instigation of those of *Boston* and *Connecticott* had usurped the Government of *New-York*, which those of *Albany* always refused to submit to, but continued as they were) was a great Question, and can only be known by their Fruits and Service.

The base imputation, which the unworthy Author of the scurrilous Paper would cast on Sir *E. A.* and other Persons concerned in Their Majesties Government, I think are not worth my taking any particular notice of, since both his and their Actions do plainly shew them of whom he so speaks to be Faithful and Loyal Subjects: And from the whole scope of proceedings in *New-England* it is most plain that the late Subverters of the Government had no manner of regard to their Majesties Interest or Service, but when they had as far as possible ruined and destroyed the same, thought themselves obliged to endeavour their own Security and Preservation, which of His Majesty doth not speedily help by settling of the Government and giving them further assistance from hence, they are not in a condition to maintain, but will endanger the loss of the whole Country. As is evident by the further late advice we have of the *French* and *Indians* Incursions upon those parts, the loss of *Schenectade* a considerable frontier Town near *Albany*, and of several settlements on Piscataqua River, with about two hundred more of Their Majesties Subjects killed and carried away Captives, and the several other Parties of *French* and *Indians* we hear are out, designed to fall on other parts of that Country, and feared in *Albany* it felt.

This, Sir, is the true tho miserable Condition of that Country,

Country, as can particularly be made [to] appear whenever it ſhall be inquired into, and muſt pray your Aſſiſtance to endeavour a Redreſs of its preſent inconveniences, and that we may obtain their Majeſty's favour for a happy ſettlement, that ſo conſiderable a Dominion on the proſperity of which depends the Welfare of their Majeſty's other *Weſt-India* Plantations, may not be ruined and deſtroyed for Want of their Gracious Protection. Begging your Pardon for this tedious diſcourſe, I preſume to ſubſcribe my ſelf

Honoured Sir,

Your Moſt Humble Servant,

C. D.

London: Printed for *J. Hindmarſh* at the Sign of the *Golden Bull*, over againſt the *Royal Exchange* in *Cornhill.* 1690.

Randolph to Blathwayt.

State Papers, Board of Trade, New England, Vol. 5. p. 494.

Aprill 25th 1691.

Sr

Juſt now I haue adviſe that Mr William Rafford a Conſiderable Mercl & a trader to New England has a full account of the ſtate of that Country & can Offer to their Lordſps the Reaſons he has received from Mr Tippett one of the ſubſcribers to the Addreſſe: & will appeare if Summoned. pray lett his Name be inſerted in ye Summons he liues now in Bow lane. I take phyſick & cannot wait upon you.

I am Sr

your humble Serul

EdRandolph.

[*Addreſſed*]

[*Addressed*] To Mr Blathwaite
or in his absence
to M^r Jō: Povey
present
at ye Plantation
Office.

RANDOLPH'S PETITION ABOUT TREES FOR THE NAVY.

State Papers, Colonial, Board of Trade 2, Bundle A. (20). 13 Oct. 1691

To the R^t Hono^ble the Lords of the Committee Trade and Forreign Plantacons.

The humble Peticon of Edward Randolph sheweth

That there are great quantities of Large firr Trees fitt for standing Masts for the biggest Ships in their Ma^ts Royall Navy & of other Trees of all sorts fitt for building Timber, Growing in Their Maties Provinces, Colonies & Islands as also upon the Lands of Particular proprietors in North America as by the Acc^t hereunto Annexed doth appear, which may deserv to be preserv'd with all Care, from Spoil & devastation in the future.

That in the year 1686, Yo^r Pet^r was made Surveyor of all Their Ma^ts Woods & Timber [in] the Province of Main & according to his duty did Mark & Register many Large Trees proper for their Ma^ts Service, and did provide and deliver into Their Ma^ts Stores at Chatham 40 Masts & Bowspritts of the Largest Dimentions & in a great Measure re[fr]ain'd ye Inhabitants frō Cōmitting further waste upō ye Woods & Timber in ye sd Province: That after ye late happy Revolution during You^r Pet^rs Attending his Ma^ty in Ireland That office was disposed of to a Person Born in New England

England, whofe Employm^t in ye Cuftomes Obliges him to be alwaies Refident in Bofton being a Place of the Cheifeft in New England.

That Yo^r Pet^r being now Commiffionated by Authority & directions of the Lords Com^rs of the Treafury to be Surveyor Gener^ll of Their Ma^tes Cuftomes in all the Coafts of America is directed to pafs from Colony to Colony to take Care that the Acts of Trade & Navigacon be duly Obferv'd [in] all the plantacons upon that Continent wch gives him an Oppertunity to make particular Surveys of all the Timber fitt for Their Maties Service in that part of America & to hinder the devaftacons (if thereunto empow'red) wch daily happen for want of a proper Officer to prevent the Same.

> Hee therefore humbly Offers to yor Lõps favourable confideracon that he may be employ'd in Surveying Marking and Regiftering & [*fic*] the Woods & Timber wch are or may be proper for the ufe of Their Maties Navy, And as in duty bound he fhall faithfully perform his Truft, upon reafonable Encouragement.
>
> And Your Pet^r &c.

An account of the Cheif places in the Territory of New England wch with great charge and Difficulty I Survey'd in the year 1688 from Penobfcot lying within 40 leagues of the River St Croix Eaftward to Delaware River being the Southern bounds of that Countrey and Above 1000 Miles A Sunder where are growing very large Firr Trees, and other Timber fitt for the ufe of Their Maties Navy.

On an Ifland (call'd Bear Ifland) lying Ab^t three Leagues Eaftward from the Entrance of Penobfcot River (being About

About 1000 Acres of land but not Inhabitted) are large Firr Trees, from 20 to 34 Inches Diameter, 200 Miles diſtant from Boſton.

In the County of Cornwall Ab' 5 Miles diſtant from New Dartmouth upon Sheeps gutt River are ſome hundreds of Firr Trees of the like Dimentions 150 Miles diſtant from Boſton.

In the Province of Main.

On the South ſide of Kennebec River are large Woods, with Trees fitt for Maſts, little damage yet done there.

About 6 or 7 Miles Above the falls of Saco River, are yet ſome very large Trees but ye Woods and Timber very much deſtroyed by two Saw Mills which for many years have been kept in work upon the Timber of thoſe Woods.

On both ſides the River Kennebeck weſtward from the Saw Mills upon that River are ſome good Trees.

In the Woods between the Towns of York and Kittery in the ſame Province are few Trees Yett remaining but the Saw Mills have made great havock in the Timber thereabouts.

Alſo nigh the River Newitchawannock are firr Trees of 35 & 36 Inches Diameter.

In the Province of New Hampſhire belonging to particular Proprietors Ab' 76 Miles diſtant from Boſton in the Townſhips of Dover and Exiter are Yet remaining the largeſt Trees in New England from 25 to 37 Inches Diameter, but not many left by the water ſide.

In the Colony of the Maſſachuſetts Bay, betwixt the Towns of Hingham & Brantry are ſome good Trees and [sic] more would grow up if preſerv'd, As are alſo in the

Townſhip

Townſhip of Scituate in the Colony of New Plimouth, and in other more ſouthern Places of the Territory.

E. RANDOLPH.

Octob.r 13th
1691.

[*Endorſed*] Petiĉon of Edw. Randolph Ab.t Their Maties. Wood and Timber in New England.

M. RANDOLPH TO COLL. COPLEY.

Maryland Archives, Vol. VIII. p. 316

Iames Citty April 13th 1692

May itt pleaſe your Excellency.

Nothing after my tedious voyage att ſea more revived me than the good news of your Excellencies ſafe arrivall upon the American ſhore and ſince that of your health and well being at St Maries the Lords of their Majties Treaſury have been pleaſed to aſſent and confirm me in the office of deputy Auditor of their Majties province in Maryland in which and in all other Matters I am concerned I ſhall be ready to ſerve your intereſt I incloſe a liſt of ſhips which I extracted from ſeverall letters ſent from the cuſtom houſe to Lt Governor Nicholſon which may be of uſe to you Your Excellency has likewiſe a note of ſeverall perquiſites which belong to the Governor of this Province I intended to ſend your Excellency the Law made here for laying 4d upon every gallon of liquor imported here from the Weſt Indies and 2d upon every gallon to be paid by ſuch of the Inhabitants as are the Importers in Veſſels belonging to the Country which if your

your Excellency can get paſt will be a great ſervice to the Crown.

I likewiſe preſent your Excellency with a book of rates in which y^r Excell^y is directed to take an oath for the due obſervance of the Acts of Trade as far as y^r Exell^y is concerned under the penalty of 1000^l etc^a I am ſure y^r Excell^y will take that Oath and give noe advantage to your enemies in that or any other like reſpect I hear Coll Diggs (my Countryman) is coming to wait upon y^r Exell^y and before I ſaw your Gent. from you I intended to get a paſſage with him and ſince would have leave preſently but we have a Tryall of a Scotch Veſſel ſeized by the Lt Govr himſelf and he would have me preſent to examine the Coquets I long to be at St Maries though I ſhall make very little ſtay in regard I am directed to make my ſurvey here firſt I know there is a great deal to doe in your parts, eſpecially in the Eaſtern Country adjoyning to Newcaſtle I deſire your Excell^y to proceed quietly till you can have a fair blow att them I hear there are ſome officers who have not done their dutys I referr y^r Excell^y to ſeverall letters which Mr Harpin brings Lt Governor Nicholſon is very zealous for their Maties intereſt I will not detain your Excell^y reſerving very much to diſcourſe when I have an opportunity to wait upon you in Maryland with my hearty good wiſhes for y^r Excell^y proſperity and happineſs in your Governmt

I remain your Excell^y's moſt faithfull friend and humble Servant

Rec^d 6th Sept 1692
From M Randolph.

[*Endorſed*] Copy of M. Randolph's letter to Coll. Copley.

MR.

MR. CHILTON TO MR. RANDOLPH.

Maryland Archives, Vol. VIII. p. 328.

Iames City Iuly 9th 1692

Sir — My occaſions calling me to St. Maries in the Province of Maryland ſometyme in the begining of Iune I well remember that there was an information exhibited by you in behalf of their Majties their Govr and yourſelf againſt the ſhip called of which one Maſon was maſter, for importing into that Province ſeverall goods of the growth production and manufacture of Europe not bona fide laden in Engd waters or towne of Barwick upon Tweed to which the maſter by his Atturney appeared and pleaded not guilty and for tryall thereof putt himſelf upon his Country and further remember that one Moore a Scotch perſon being upon Examination ſayd the ſame ſhip came from ſome part of Scotland towards Barwick, againſt which place the ſhip continued under ſail for ſeverall hours but came not to an anchor there, and being aſked the queſtion, what goods were brought from Berwick and put on board there, notwithſtanding before, he produced a cleering which he ſaid he had from thence, all this to the beſt of my remembrance I can ſafely declare, and had I had thoughts of its ever being called in queſtion or thought on againe I ſhould have been mindful of another paſſage relateing thereto but yet one Material one I cannot omit which was that one of the Honorable Councill then Iudge on the bench was pleaſed to ſay that in his opinion the Nicetyes of the Law ought not to be obſerved and the penall Statute upon which the information was brought, was out or words to that effect, thus Sir I have given

given you a true and faithful account of my knowledge and with their Maj^{ties} Intereſt better ſucceſs then to be tryed by a Maryland Iury.

I am your humble ſervt.

EDWARD CHILTON

To Edward Randolph Eſq^{re} Surveyor Generall of their Maj^{ties} cuſtoms upon the Continent of America.

Iohn Addiſon a New Caſtle Factor.

[*Endorſed*] Copy of Mr Chilton's letter to Mr Randolph about Maſons ſhip
Rec^{d} 6th Sept. 1692
from M. Randolph.

COLONEL COPLEY TO THE LORDS OF THE CŌMITTEE OF TRADE AND PLANTATIONS.

Maryland Archives, Vol. VIII. p. 335.

St Maries in Maryland
July 29th 1692

May it pleaſe your Ldps,

Having already rendered your Ldps an account of occurrencies, and my tranſactions ſince my arrivall here, I ſhould now forbear to give your Ldps any further trouble at this time, did not the apprehenſion of ſome malitious miſrepreſentation of me by Mr Randall their Majeſties Surveyor in theſe parts incite me thereunto, not ſoe much to ſett forth (in its pure, natural, naked colour) the exorbitant and malignant temper of the Informer, as to vindicate and defend myſelfe from his baſe and ignominious aſperſions, he hath been pleaſed to caſte upon me and indeed the whole Government here, which

which the rancour and heate of his ſpirit cannot prevent him from diſcovering even to the moſt mean and inconſiderate capacities notwithſtanding (for the character he bears) I have proved myſelf more than ordinarily kind and obliging to him, to the admiration of all perſons here, that ever have had the misfortune of his company or acquaintance, He is one (I muſt be bold to inform your Ldp) that ſcornes to be particular but generall altogether in his baſe reflections and ſcurrilous haughty behaviour and deportment under the ſpecious pretence of his zeale for their Majeſties ſervice, though at the ſame time the greateſt impediment imaginable in the effect, and pleaſes himſelf more with ſatiateing his revengeful humour and private animoſities againſt their Maj^ties ſubjects then affecting anything for their Maj^ties intereſt as he hath ſufficiently demonſtrated in the late ſeizure and bringing two or three ſhipps here, barely upon the account (as himſelfe hath and doth frequently declare againſt all of the place and Nation in generall) of being New England rogues and doggs and pitifull damned Scotch Pedlars, and at laſt when he had had all the favour and countenance aid and aſſiſtance poſſible ſhewn him, he has not ſtuck to vilifie and abuſe the Jurors onely (perſons of the beſt fame and repute theſe parts afford) by calling them baſe, perjured and forſworne rogues, threatening them with the pillory and loſs of their ears &c. but alſo in publick aſperſed, beſpattered and affronted the Juſtices themſelves, perſons appointed by their Majeſties to aſſiſt me in the Government with their Councill and advice (although baſely by him ſaid to be picked and packed by me, as were the Aſſembly of this Province to make ſuch Laws as my inclinations or own private intereſt

eſt ſhould dictate to them, which how farr their Majeſties Honour and the intereſt of the Crown have had the preeminent and almoſt only proſpect the Lawes themſelves will declare in contradiction to his damnable ſuggeſtions. By ſuch meanes their Maj^ties^ intereſt extremely ſuffers, and matters of the greateſt weight, candour, and truth under his management are become of little credit and repute and he himſelfe ſo remarkable and notoriouſly turbulent even to the Inhabitants here of both publick and private capacities by preſſing ſeizing and violently takeing away and makeing uſe of their horſes, boates, goods and ſervants without paying or making any ſatisfaction for the ſame, otherwiſe than in the returne of ill language, that indeed ſhould he bring a cauſe never ſoe plauſible before any jury though of the beſt principles and inclinations, his inſolent and too well known behaviour w^d^ ſoe dimm and obſcure their eyes that they could not make a right inſpection thereinto but look upon the ſame as the effects of his hot and inveterate braine, eſpecialle with thoſe of his acquaintance, which I muſt confeſs few or none covet, unleſs thoſe of wicked principles, their Maj^ties^ open profeſſed enemies, papiſts and others diſaffected to all, eſpecially the preſent Government, who are his only aſſociates and companions and they barely for correſpondency in malignancy and averſion to the authority, ſcarcely any one of them cann afford him a good word behind his back or covett his company for any other end or deſigne, but to promote and put in practice their damnable inclinations and deſignes, of diſturbing the peace and tranquility of the Province, ſo that he hath indeed effected here what he hath done in all other parts of the world (where ever he ſett foote)

foote) made the whole Country weary of him, boaſtingly vaunting that he thanks God he has lived theſe five and twenty years upon the curſes of the people which truly I am apt to believe, nay am pretty confident he never wants, and with ſuch proviſions may grow fatt; the ſubject matter is ſoe large that without a ſyllable of falſity or ſuggeſtion onely, I could eaſily comment a volume, without offering the leaſt violence to myſelf or the truth, I humbly beg pardon for this progreſſion aſſureing your Lordſhipps that the vindication of myſelf and thoſe Gentlemen of their Majeſties Councill aſſigned me here (whom I find to be perſons of loyalty, candour and integrity) from the vile calumnies and aſperſions of ſoe ungrateful and turbulent a man as he is, that they may have noe effect or influence upon your Lordſhipps to our prejudice without better proofe than his baſe allegations together with the propagation and promoteing of their Majeſties ſervice and intereſt, is the onely ultimate end and deſigne of

My Lords

Your Ldps moſt humble ſervant L. COPLEY.

[*Endorſed*] Rec^{d} 29th November 92

EDWARD RANDOLPH TO JOHN USHER.

Hiſtorical Papers, by C. W. Tuttle, p. 326.

Boſton, Sept. 28, 1692.

Sir, — I have ſcarce wiped my mouth ſince eat a meſſe of good broath at your houſe for my Breakfaſt: where your lady, ſon Jeffryes, your daughter Jeffryes, Jenny, John, David, and little pretty Betty are all well: I do not queſtion your manage[ment] every where, nor the reſpect ſhown you by y^{e}

Inhabitants

Inhabitants where you have to do: yett we are not without ſome fooliſh ſham diſcourſe which no wiſe body believes, tho' many fooles employ themſelves about it. I expected Mr. Hirſt of Salem here to make out the truth of what he ſaid to me about ye Dutch bottom at Great Iſland & ſalt. But upon a ſecond enquiry ſhe was loaded with European goods and came directly from Cales [Cadix] & was conſigned to Mr Gedney & Mr Hirſt, having Goods & bills for building a very large ſhip So that ſhe is ſeizable. Mr Brenton (Jus Court) has appealed, but againſt a verdict & judgment in Court; & he can make nothing of it. Now if Mr Elliott can prove her unlivery of Goods before Entry, pray upon your Eſtabliſhing of Courts both ſhip & cargo of ſalt be proſecuted upon my Information, you will ſave the King's & your third part, & pay the charges of my journey & ſave Mr Brenton 100£: which he will be forced to pay if Tho: Wilkinſon obtain a confirmation of his verdict. You will hear from me befor I leave this place. I am, dear frind,

Your obliged humble ſ'v't,

ED. RANDOLPH.

Let Mr Newton be retained for me.

COUNCIL MEETING

Maryland Archives, Vol. VIII. p. 432.

At a Councill held at the Governors Houſe
at St Peters the 21st day of Decr Anno Dom 1692

Preſent: His Excellency the Governor, the honble Coll. Nehem Blakiſton, Coll Nicho Greenberry, Thomas Tench Eſqr, Capt John Courts, Thos Brooke, Eſqr

His

His Excellency repreſents to the Board the rude inſolent Carriage and Behaviour of Mr Edward Randolph their Majſtys Surveyor & Comptroller here in Contempt of their Majeſtys Authority and the preſent Government particularly contained and ſet forth in the following Depoſitions and papers produced and ordered to be read (vizt)

Memd That writing and tranſcribing ſeverall things for Eſqr Randolph in Virginia I ſaw & underſtood ſome reflections made upon the Govr and Governmt of Maryland (vizt)

That writing many Letters to divers Perſons in England he inſinuated that Coll. Copley begun already to be diſſafected by the People of that Province, that he had artificially cauſed to be made and Enacted ſeverall Laws ſolely to his own Advantage & conveniency or to that Effect, that if the King did not ſend over ſome Requiſite Officers he could expect but little Iuſtice to be done him by reaſon of ignorant Iurys and the Governors conniving at ſome Collectors that favoured Interlopers and falſe Traders or to that Purpoſe intimating how ungentelely himſelf had been treated by the Governor at his Quarters obliging him to turn out to make Room for Captain Blakiſton (who was his Great Creature) and wholly at his Devotion) and Shift elſewhere in the Town as he could & alſo that the reſt of the Councill were very much at his Service rendring them or moſt of them very ridiculous and Inferior Perſons calling Collo Browne a ſcotch Pedlar Mr Addiſon a new Caſtle Factor &ca that the Clauſe in his Excellencys ſpeech (vizt) the many difficultyes & hazards I run did not at all daunt me from Coming to you, was conſtrued

ſtrued in the Margin of one of them in gett[s] away from the Serjeants & bailiffs that waited for him.

W[m] CLARK.

September 27th 1692

Then came the above written William Clark before me John LLewellin one of their Majeſtyes Iuſtices of S[t] Marys County & made oath upon the holy Evangeliſts that the above Relation as to the Sum & Subſtance thereof is true and juſt in every particular differing only perhaps in the wording thereof but as near as he can poſſibly remember agreeing therewith Jurat die et ann Supra dict coram me J. LLewellin

Maryland ſſ I Philip Lynes of S[t] Marys County in the Prov[e] of Maryland aged about forty three years having formerly had ſome communication with one M[r] Philip Shapleigh of Northumberland County in the Collony of Virginia and one Goſs Maſ[r] of a Ship or Veſſel the ſaid Philip Shapleigh and the ſaid Goſs did tell your Depon[t] Philip Lynes that the ſaid Shapleigh was bound for the ſaid Goſs in a bond for one thouſand pounds to the King that the ſaid Goſs ſhould go for England with a Ship or Veſſell he was then Maſter of according to the tenor of ſuch bonds uſually taken and that he the ſaid Shapleigh being ſo bound by bringing to M[r] Randolph the ſaid Goſs, ſaid M[r] Randolph did diſcharge him the ſaid Shapleigh from the Bond wherein he was Bound to the King as aforeſaid & alſo the ſaid Goſs told your Depon[t] that M[r] Randolph had diſcharged him and given him the ſaid Goſs leave to go home with the Veſſell he

was

was then Maſt of lying in Somerſet County in the province aforeſaid & accordingly as your Deponent hath heard the ſaid Goſs Maſt of the ſaid Ship or Veſſell departed with his ſaid ſhip or Veſſell accordingly from this Province. Witneſs my hand this 20 fourth day of October 1692

Phil Lynes

The Contents of the above
written was ſworn to by
the aforeſaid Philip Lynes
this 24th Day of October
1692 before us

Ne. Blakiſton
Nich Greenberry
Tho. Tench

The depoſition of Gilbert Clark aged thirty eight years or thereabouts — The Deponent upon his Oath taken on the holy Evangeliſts ſaith that in the Month of November laſt paſt he being at the Houſe of Mrs Ann Neale of Charles County Widow in company with one Edward Randolph Eſqr their Majeſtys Surveyor Generall and ſeverall others known and profeſſed Roman Catholicks (viz.) Coll Edward Pye Mr Iames and Mr Anthony Neal did hear and ſee the ſaid Randolph drink frequently a health to the Man that ſhould have his Mare again and that they the ſaid Roman Catholicks ſhould not queſtion but before May day next they ſhould hear and know, the Man ſhould have his Mare and afterwards they having ſome diſcourſe concerning the preſent alteration of Government he the ſaid Randolph bid them

them not mind it for it would not be lafting and further the Deponent faith not

Gilbert Clark

Iurat 16 die Decembris
Anno Dom 1692 coram me
L: Copley

Upon reading whereof and due confideration thereof had it was moved & thereupon Refolved that the whole matter and all things thereunto relating be reprefented to their Majeftys by way of Letters to the right Honble the Lords of the Treafury the Lords Committees of Trade and Plantations and the Commiffioners of their Majeftys Cuftoms with Copys of all Papers concerning the fame to be inclofed

. . . . . .

Memd at the fame time was produced and read at the Board this followg Certificate of Record from New Caftle relating alfo to Mr Randolph (vizt)

New Caftle — Thefe are by the King and Queens Authority, and in the Proprietors Name to will and require thee Henry Vanderburgh to be and appear before the Iuftices of the Quarter Seffions to be held at Newcaftle the twentieth day of September next as well to anfwer for withholding one thoufand Pounds Sterl due to their Majeftys as to abide the Iudgment of the faid court and hereof fail not at thy Peril. Given at New Caftle Auguft 8th 1692

To the High Sheriff of the County of Newcaftle

This is a true Copy of the Originall Summons granted at the requeft of Edward Randolph Efqr Surveyor Generall

Exa

Ex^a ꝑ I^a Claypoole Cl Conc^l p^r dict
The Originall of the above was Executed by me
George Moor Dep^ty Sheriff.

Received this 8th day of Auguſt 1692 of Iames Claypoole Dep^ty Secry a Bond ſigned and ſealed by Matthias de Hart Maſ^r of the Sloop Unity of New York and Henry Vanderburgh his Surety of One thouſand pounds Sterl to their Majeſtys upon condition to carry his Lading to England Wales or Berwick and nowhere elſe

Dated at New Caſtle April 24 1691 I ſay rec'd as above
Edward Randolph Surveyor Generall
New Caſtle Auguſt 8th 1692

I Did then promiſe to Henry Vanderburgh Merch^t to uſe my utmoſt Endeavour to proſecute and get arreſted at the ſute of their Majeſtys Matthias de Hart Maſ^r of the Sloop Unity of New York in an acco^t of 1000£ due upon Bond dated the 24th of Aprill 1691 (Henry Vanderburgh Merchant his Security) and to ſecure if poſſible the ſaid Vanderburgh from further trouble in this Proſecution
Edward Randolph Surveyor Generall

Bee it Remembred that this 16th day of Auguſt 1692 at New Caſtle in Delaware River Henry Vanderburgh of the ſ^d place Merch^t Declares that on the 8th of this Inſtant Edward Randolph Eſq^r did Summon him the ſaid Henry Vanderburgh to appear at the next Quarter Seſſions to anſwer for withholding 1000£ Sterling due to their Majeſtys he being as Surety bound in a bond with Matthias de hart Maſ^r of the Sloop Unity of New York for the ſaid ſum to their Majeſtys

Majeſtys but the ſaid Edward Randolph told for twenty pieces of eight and paying the Fees he would withdraw the Action and proſecute the Bond ag^st Matthias de Hart the Principall to which the ſaid Henry Vanderburgh Complyed and the action was accordingly withdrawn whereupon the ſaid Eſq^r Randolph gave him a paper which he thought to be a Receipt for the money a Copy whereof is above —

Henry Vanderburgh

Taken and atteſted this 16th Augt 1692
before me
Wm Markham Lt Govr

The above are true Copys of the Originalls Exam^d
p. Ia Claypoole Cl Com p dict

NewCaſtle in Delaware River
in America

Edward Blake one of the Iuſtices of New Caſtle declares that about the 8th of Auguſt 1692 at the requeſt of Mr Edward Randolph Surveyor Generall he went into a room at the houſe of Iohn Cann in Company with Henry Vander-
[sealed] burgh and diſcourſed about the 1000£ bond to the King wherein the ſaid Vanderburgh was ſurety and told him if he would be civill and Genteel he would endeavour to indemnify him from the ſaid bond whereupon the ſaid Vanderburgh offered 8 or 10 pees of eight which the ſaid Randolph would not accept of but ſaid if he would give him his note for 20 pees of eight he would do it, upon which they went to the atteſtants houſe where the ſaid

ſaid Vanderburgh paid the ſaid Edward Randolph the money

Edwd Blake

Atteſted and taken this 3^{d} September 1692 before me

Wm Markham Lt Govr

The within Edward Blake Iames Claypoole George Moor [sealed] and Henry Vanderburgh were atteſted before me to the truth of the within

Wm Markham Lt Govr

Read the ſeverall Letters ordered to be writ to the Lords of the Treaſury &c^{a} as before (vizt)

Maryland Decr 21st 1692

May it pleaſe your Lordſhips

Having had juſt occaſion to repreſent home to the right honble the Lords Committees of trade and plantations amongſt other things the rude and inſolent Behaviour of Mr Edwd Randolph Surveyor Gen^{ll} of the cuſtoms here in oppoſition to the preſent Government and the diſturbance of their Majeſtys good and leige Subjects Wee hold it our duty likewiſe to give your Lordſhips a ſhort and brief acco^{t} thereof he hath approved himſelf a Perſon Contemptuous of the Government and deſpiſing all manner of Authority but his own oppreſſing and tyranizing over the Subjects commanding and abuſing their Perſons preſſing taking and employing their Servants Boats Horſes &c^{a} without pay by colour of his Office making littegious and illegall ſeizures at his

his pleaſure, and compounding privately with others for the breach of their Bonds though never ſo apparent as by the Copys incloſed your Lordſhips may perceive he is in fine altogether averſe to the preſent conſtitution and Frame of Government and expecting wiſhing and praying for a change and conſorts himſelf with none others but Profeſſed Papiſts and others their Majeſtys open and known Enemies with whom he makes it his Buſineſs to drink healths frequently to the man that ſhould have his Mare again (a by-word by them uſed to ſignify King James's return to the Crowne) encouraging in them the hopes of ſeeing the ſame effected by May day next which would have been otherwiſe taken notice of and be ſecured by the Govr till the Kings Pleaſure had not his ſudden and private Departure out of the Province prevented & in his return viſiting none but the diſaffected party: may it pleaſe your Lordſhips the due ſence of our duty and our own Zeal and Affection to their Majeſtys Service only and not any private or particular animoſity has drawn from us this Information, which we doubt Not by the next Shipping to ſtrengthen and confirm by further Evidence & to give your Lordſhips a more ample acco^t thereof, in the mean time we beg pardon for this trouble & remain Your Lordſhips moſt humble Serv^ts

To the right honble the Lords of the Treaſury at Whitehall London humbly preſent

L Copley
N Blakiſton
N Greenberry
Tho Tench
J Courts
Tho Brooke

Maryland

Maryland December 21st 1692.

May it pleaſe your Lordſhips

The frequent and continued rude & inſolent Carriage of Mr Edward Randolph Surveyor Generall here is become ſo notorious and inſupportable that we cannot forbear repreſenting the ſame to your Honours in their true and naked tho modeſt and decent terms as we Can and the caſe will admitt we muſt aſſure your Honours that he is a Perſon of the moſt Pernicious evill Principles averſe wholly to Government or any authority but his own, which he makes uſe of to very ill Ends ſeeking to Propagate and Promote his own Intereſt and ſatisfy his own avaratious appetite above and before their Majeſtys Service [then follow the ſame accuſations as in the preceding paper]

L. Copley

N: Blakiſton Iohn Courts

Ni Greenberry Tho Brook

Tho Tench

[*Addreſſed*] To the right honble the Commſrs of their Majeſtys Cuſtoms at the Cuſtom Houſe London

Order to arrest Edward Randolph.

Maryland Archives, Vol. VIII. p. 483. 6 April 1693.

Maryland By his Excellr the Governor

Theſe are in their Majties names eſpecially to authorize and impower William Harpam Gent: to apprehend, ſeize and take the body of Edwd Randolph Eſq. charged for offering & divulging ſeverall falſe malicious & ſeditious ſpeeches and reports

reports ſcandalouſly reflecting on their Maj^{s} Government and tending to the alienating and diverting their good ſubjects the inhabitants of this Province from their due & naturall love and affection, faith and allegiance to their ſaid Maj^{ties} and this their Government contrary to the peace and Lawes in ſuch caſe made & provided, Wherefoever he ſhall be found and him in his ſafe cuſtody keep untill he ſhall ſafely deliver him into the cuſtody of the Sheriff of Somerſett County by him to be forthwith brought before me at the Citty of St Marys to anſwear the premiſſes & what elſe ſhall be alledged ag^{t} him or their Maj^{s} behalfes & I do hereby ſtrictly charge & comand all & ſingular their Maj^{s} Officers civill & military & others the inhabitants of this Province to be aiding and aſſiſting to the ſ^{d} Wm Harpam in the due execution hereof as they will anſwear the contrary att their perills. Given under my hand and ſeal this ſixt day of Aprill in the 5th yeare of our ſov^{n} Lord & Lady King William and Queen Mary.

L. Copley

To Wm Harpam Gent:
hereunto eſpecially authorized
and appointed Theſe

Vera Copia

Rich: Farwell

[*Endorſed*] Copy of Govr Copley's warrant of the 6th of Aprill againſt E. Randolph. Rec^{d} 25 Sept. 1693 from Mr Randolph.

Order

ORDER TO SEARCH THE LODGINGS OF SIR THOMAS LAWRENCE, A MEMBER OF THE COUNCIL AND A JUSTICE OF THE PROVINCIAL COURT, WHO WAS UNDER ARREST.

Maryland Archives, Vol. VIII. p. 499.

. . . Information had been given to his Excellency of a Letter he the ſaid Sr Thomas had lately received from Eſq^r Randolph who had alſo approved himſelf an Open Enemy to their Majeſtys and the preſent Governm^t ſcurrilouſly railing at & Reflecting upon the ſame he is deſired to Produce the Letter for the Peruesfall of the Board for that they did rationally ſuſpect ſome treaſonable treacherous matter therein Contained being Certainly Informed of his having publickly abuſed & beſpattered the Governm^t He prays to be excuſed in the matter & denys the Delivery of the Letter for that he Conceived he is no wiſe bound to accuſe himſelf or Ridicule Mr Randolph . . .

It is Commanded the Sheriff that he ſearch Sr Thomas's Pocketts for what Papers he can find and alſo a warrant directed to Major Ninion Beal Mr William Bladen & Wm Nutthead requiring & Empowering them to ſearch his own Lodging Room & Cloſet for what Papers they can find there and the ſame to ſeize & ſeal up in a Bag & bring them forthwith to his Excellency the Govr for Peruſuall

The Sheriff having accordingly ſearched Sr Thomas's Pocketts produced ſeverall Letters and among the Reſt a Letter from Mr Randolph & a paper of memorialls wch being read were lodged in the Clerks Hands and Ordered to be kept by him Mr Randolphs Letter is as followeth (vizt)

From

From a Board the Ship Barbadoes
Merch^t April the 7th 1693

S^r — It was the 4th Inſtant before yours of the 14th of Ianuary Came to my hands were you pleaſed to direct your Letter to be left for me for which I am very much obliged to you the Governors treating Sr Thomas Lawrence & curtailing him in his rights makes me no ways queſtion what you write in reference to my ſelf but I value nothing knowing well the Bottom of the deſign but I expect Letters from England which will end all diſputes having fully repreſented the State of the whole proceedings of the Government with every thing relating to the Practiſes of the Collectors I will not undertake to do my Duty in your Province further then I can be ſupported as to Clarks ſaying I wrote or drolled upon the Gov^rs ſpeech, I think I ſent no ſuch thing to my friends at home they better know the Governors Circumſtances then I can pretend to I never failed upon all occaſions to write to our Friend Mr Glanvile and gave him a particular acco^t of your ill treatm^t I am now upon an Information from the Commiſſioners of the Cuſtoms croſſing the Bay to Delaware & expect upon my return my Letters from England then ſhall have little more to do than to wait upon the Govr and his Idol Blakiſton ſend me a Letter under your Cover to Mr Layfields how affairs go at Preſent in your parts it is probable Burnets Caſe may admit of a new hearing in England if not I intend to charge them their Maj^tys third Part not according to the moſt Partial Appraiſement but to the full of what the Goods upon an honeſt rate might be reaſonably worth, S^r I wiſh you all happineſs with a Succeſsful Anſwer to all your Iuſt Compleints but what

what can be expected of Iuſtice to a Subject from thoſe who have no regard to their Majeſtys Intereſt I expect your Letters at my Return to Mr Layfields and am

Sr your humble Servt

E Randolph

The bearer is an honeſt man & will inform you the State of England as it was when he ſailed I know the Governor & Blakiſton too well to truſt them

To the honble Sr Thomas Lawrence
Their Majeſtys Secry of Maryland
at St Marys ꝑ Captain Sharpleſs

. . . . . .

Was produced and read the following Depoſition of Capt Henry Smith vizt — The depoſition of Capt Henry Smith of Somerſet County aged 58 Years or thereabouts The Deponent upon Oath ſaith that in the Month of June laſt, Robt Goſs Maſter of the Ship Marygold of Bellfaſt being aſked by this Depont what compoſition he had made with Mr Randolph the Surveyor Genll for the Navigation Bond of One thouſand Pounds Sterl by him and Mr Philip Shapleigh his Security paſſed for the Brigantine whereof he was Maſter the laſt Voyage he replied he had given the ſaid Randolph Bond for Fifty Pounds Sterl payable to him his Exrs Adminiſtrators or Aſſigns the Depot further aſked him if their Majeſtys Names were not Mentioned or Concerned in the ſaid Bond and he replied no there were not ſo much as named and further this Deponent ſaith not

Hen Smith

Iurat 24 die Decembris 1692
Coram me L. Copley

Ordered

Ordered that warrant be directed from this Board to Capt John Davis of Talbot County to apprehend and ſeize the ſaid Mr Randolph if he ſhall come into thoſe Parts and to bring him down to his Excellency at St Marys with all Convenient ſpeed &c^a which warrant accordingly iſſued as follows (vizt)

By his Ex^cly the Govr & Councill &c^a

Maryland ſſ — You are hereby in their Majeſtys names charged & commanded to apprehend ſeize & take into your Care & charge the Body of Edwd Randolph Eſq^r whenſoever & wereſoever you ſhall find him being charged & accuſed of ſeveral falſe mutinous & ſeditious Scurrilous ſpeeches & reports treaſonable & rebellious practices conſpiracies & Contrivances againſt their Sacred Maj^ستس and this their Government and him in your Cuſtody cloſely ſafely & ſecurely keep ſo as to have him before his Excellency at the City of St Marys with all poſſible & convenient ſpeed & all & Singular their Majeſtys Officers & Majiſtrates Military & Civill & others the Inhabitants of & in this Province are hereby alſo willed & required to aid & aſſiſt you to the utmoſt of their Strength Skill & Power in the due and true Execution and Performance hereof as they will anſwer the Contrary at their Peril, Hereof fail not & for ſo doing this ſhall be your warr^t Dated at Councill Board the 8th day of April Anno Dom 1693 In the 5th Year of the Reign of our Sovereign Lord & Lady King William & Queen Mary &c^a

Signed ꝑ Order

J LL Cl Councill

To Captain Iohn Davis of Talbot County

recommended

recommended to be executed
or have the ſame done. Theſe

Ordered that the whole State of the Caſe of Sr Thomas Lawrence Eſqr Randolph &ca be repreſented home to the right honble the Lords of the Committee of Trade & plantations by a Letter from this Board.

. . . . . .

[To the Lords of Trade and Plantations.]

Maryland. Aprill the 11th 1693

May it pleaſe your Ldpps,

This ſerves for covert to the encloſed duplicate of ours of the 21st of December laſt, containing matter of complaint againſt two of their Majeſties officers of conſiderable figure in this Province viz: Sir Thomas Lawrence Secretary & Edw Randolph Eſqr Surveyor General of their Maja Cuſtoms, general diſturbers of the peace and quiet of the Province, We are heartily ſorry we have freſh and continual occaſions to make repetition thereof, their inſolencies being grown to that height as to ſtrike at the very root of Government in contempt of and oppoſition to their Majeſties Royall authority, inſoemuch that we have been neceſſitated at laſt to Commit and confine Sir Thomas upon ſeverall Articles of impeachment . . . Wee ſhall (to give your Ldps as little trouble as may be) only nominate the other Officer Mr Randolph, of the like evil principles, inclinations and maner of proceeding, little or no waies inferior to the former in deceit, treachery & villany true correſpondents both in iniquity. Wee have a large charge againſt him when wee ſhall

ſhall have the opportunity of meeting with him, which wee have taken great care to do & thereof (when accompliſhed) ſhall more fully adviſe your Ldps as alſoe of all other occurrences materiall to be offered by

May it pleaſe your Ldps

Your Ldpps moſt humble ſervants

L. Copley	David Browne	John Courts
Nea. Blakiſton	Thomas Tench	Tho. Brooke
Nich: Greenberry	John Addiſon	

Maryland April 11th 1693

May it pleaſe your Ldſps

Incloſed is Copy of our laſt to your Lordſhips dated the 21st of December laſt wherein according to our Duty as we Conceived we preſumed to give your Lordſhips an Acco^t of the Inſolent haughty and turbulent diſpoſition & behaviour of your Officer Mr Edward Randolph Surveyor Genl of their Majeſtyes Cuſtoms in theſe American parts which with much trouble & reluctancy we find ourſelves obliged & Compelled to repeat and renew our Complaints againſt him to your Lordſhips his Demeanor now being ſuch as is almoſt or altogether inſufferable not to be born or endured by any civilized or well regulated Government their Majeſtys Service and Intereſt is ſo Little his Concern & the Oath he has taken ſo ſlightly regarded or taken Notice of that a Sallary were [better?] beſtowed on him to ſitt ſtill then appear in the Execution of his Office which is only corruptly to take Bribes of Compound with & paſs by Offenders of any Nature to his own private advantage & little or nothing Redounding to their Majeſtys for whom it cannot be imagined that he can poſſibly have

have any great Loyalty when he confederates Combines & aſſociates himſelf with none but their profeſſed Enemies publickly drinking their healths & wiſhing & praying for a change & the return of King Iames to the throne endeavouring with the greateſt zeal & vigour he Can to Inſinuate & Infuse into all people where he comes & with whom he Converſes the like wicked principles & inclinations aſperſing, villifying & reviling with the greateſt heat & rancour imaginable the preſent Government rendering us of his Majeſtys Council Perſons from home no Iuſtice to be had & not to be truſted ſtirring up the People to an averſion and diſlike of the Government & Stiffling in them as much as in him lyes their true & natural Love & affection faith & obedience to their Majeſtys & their lawful Authority here all which & much more we are well aſſured we are able plainly to demonſtrate to your Lordſhips when occaſion ſhall be & hope by the next to give your Lordſhips ample Satisfaction in that point having laid wait to take hold of him and bring him to ſtrict examination he is ſufficiently Conſcious of his own Guilt & out of pure Malice & Spleen to this Government not offering to be ſeen in this Province nor appear in the Execution of his Office but watches all Opportunitys of Suprizing & taking Ships or Veſſells coming into or going out of this Province & carrying them into Virginia & theſe make his advantage to the great Damage & Injury of this Government & we have good cauſe to Believe as little to their Majeſtys Service & Intereſt

We crave leave only further barely to hint to your Lordſhips the irregular & unſeemly behaviour of one Mr Fitzhugh an Officer alſo of their Majeſtys Cuſtoms in Virginia Deputy Collector

Collector of Pottomock who upon the Tryall of a Ship here legally Seized as a foul Trader appeared at Court as an Advocate or Attorney for the Defendant againſt their Majeſtys . . .

. . . May it pleaſe your Lordſhips

Your Ldſhips moſt humble Servts

To the right L: C.
Honble the Lords N B: I C:
of their Majeſtys N G: I A:
Treaſury at Whitehall D B: T B:
London humbly preſent.

. . . . . .

Produced & Ordered to be read to the Board theſe two follows Letters from the Govr of Virginia (vizt)

Sir — This Day by Letter from Accomack I have an Acco^t that the under Sheriff of Somerſet County & others under pretence of your Excellencys warrant in Maryland came into Accomack County in this Government about the 20th Inf^t & prevailing with a Simple Iuſtice there did take & Carry away Edward Randolph Eſq^r Surveyor General of their Majeſtys Cuſtoms in theſe parts whereupon by advice of their Majeſtys Council this is by Expreſs to deſire your Ex^llcy to order the ſaid Edward Randolph forthwith to be returned to this Government from whence he hath been ſo Carried contrary to all Rules of Government the Bearer Mr Iames Shurlock is ſent herewith to your Excellency from Virg^a April 27th 1693

Your Excellencys moſt humble

Ser^t

E. Andros

To

To his Excellency Col Lionel Copley
their Majeſtys Captain General
& Governor in Chief of Maryland.

. . . . . .

Mr Stephen Luff Sheriff of Somerſet County having by Virtue of a praecept to him formerly directed for the apprehending & taking into his Cuſtody of Edwd Randolph Eſqr accordingly apprehended the ſaid Randolph & Suffered him to make his Eſcape is called in & charged with his Neglect therein & Ordered to give his Excellency an Accot of the whole matter his manner of proceedings & what has paſſed between him & the Governor of Virginia upon his application made to him in Order to retreive his Priſoner which the ſaid Stephen Luff having accordingly done it is Ordered that the ſaid Stephen Luff together with Charles Nicholſon to attend him do again wait upon his Excellency to demand the delivery up to him of his Priſoner & that a Poſtſcript be added to the Letter ordered to be drawn the 6th Inſtant to the ſaid Govr to acquaint his Excellency that Since the Writing thereof the ſaid Sheriff was returned hither & had given an Accot of his Demands made to his Excellency for the Surrender of the ſaid Randolph his Priſoner & of his Excellencys anſwer thereto from whence this Board had been encouraged to requeſt his Excely the Governor of this Province to ſend back the ſaid Sheriff together with the ſaid Charles Nicholſon in order to make a Second Demand & hoped his Excllly Sr Edmond Andros would comply therewith Was then produced & read the ſaid Letter formerly writ (vizt) the 6th Inſtant together with the Poſtſcript added as above (vizt)

May

May it pleaſe your Excellency . . .

Your Excellencys demands of returning Mr Randolph taken up at the reaſonable requeſt of the Magiſtrates of this Province to one of yours (a prudent & diſcreet Iuſtice) by vertue of his hue & cry for ſeveral notorious Crimes & miſdemeanours of very high Nature Committed & done by ſaid Randolph here agst their Majeſtys & this Govt are altogether anticipated & Prevented by that Nice and Diligent Officer the Conſtable of Accamack in whoſe Cuſtody we underſtood he was & is detained but we hope your Excellency will do the Officer that purſues him that Iuſtice as to remand him into his Cuſtody from whom he made his eſcape & is thereby become a felon (in Order to be brought to a fair & legal Trial in time & place moſt proper & Convenient which we Conceive to be where the Fact was Committed whereof we do not in the leaſt Doubt & are

Your Excellencys moſt humble Servants

Maryland May 6th 1693

Sr Poſtſcript May 11th 1693

Since the writing & before cloſing of the former Mr Luff our Sheriff of Somerſet County is returned from your parts & hath this Day given us an Accot of his application made to Your Excellency concerning Mr Randolph Feloniouſly broke priſon & eſcaped from his Cuſtody, whereby we are encouraged to Beleive your Excellency will at our reaſonable requeſt deliver him up to this Govt to be proceeded againſt according to Law in Confidence & full Aſſurance whereof we ſend the Bearer Charles Nicholſon together with the ſaid Luff to wait on your Excellency & to receive your commands

mands to that purpoſe to whom we pray your Excellency to give all faith & credit as Coming from

Your Excellencys moſt humble Ser^{vts}

To his Excellency S^{r}		L. C:
Edm^{d} Andros Capt	N B	C H
Genl & Govr in Chief	N G	I A
of Virginia.	T T	

. . . . . .

Memd

Mr Stephen Luff Sheriff of Somerſet County together With Mr Charles Nicholſon being appointed by order of this Board to apply themſelves his Excellency Sr Edm^{d} Andros Govr of Virginia & to dem^{d} the Surrender of Edward Randolph Eſq^{r} Eſcaped from the cuſtody of the ſaid Sheriff his Exce^{lly} the Govr thought fit to give them theſe foll Inſtructions (vizt)

Inſtructions for Mr Stephen Luff & Mr Charles Nicholſon to Virginia (vizt)

You are to waite & attend the motion of the honble Coll^{o} Andrew Hamilton & Mr Shirlock when they ſhall think fit to ſet forth from hence into the Colony of Virginia

With them you are to get Paſſage over & Land there at ſuch place where they ſhall think fit or may moſt Conveniently ſet you on ſhore

Upon your arrival there you are forthwith to apply your Selves to the moſt likely & Convenient places for procuring Horſes & a Guide if need be to Conduct & Carry you down to his Excellency the Govr of that Countrey

Where

Where when you arrive you are to endeavour to have a ſpeedy admittance & acceſs to his Excel[ly] & thereupon to deliver him the Letter herewith Committed to your Charge & pray his ſpeedy anſwer thereto & your diſpatch

If his Excellency ſhall think fit to deliver up M[r] Randolph to this Gov[t] you are humbly to requeſt orders and Commands for his ſafe Conduct through the limits of that Countrey to the line or parting of that & this there to be delivered into the cuſtody & poſſeſſion of the ſaid Luff

When you ſhall have ſo received him you are to paſs your receipt there for if Required & take care that he be Sufficiently Secured watched & Guarded (that he may in no wiſe eſcape the ſecond time until he ſhall be ſafely & ſecurely brought before me at the City of S[t] Marys in Order to further directions & inſtructions to be given Concerning him

An Exact Iournal & true acco[t] of your whole proceed[gs] from the time of your ſetting out to your Return you are to keep & Communicate the ſame to my ſelf or my ſelf & Council when required of all which you are not to fail upon your peril

Given under my hand the 12th day of May
1693 In the fifth year of the Reign of our Sovereign
Lord & Lady King William & Queen Mary &c[a]

L. C.[a]

EDWARD

[a] According to J. Thomas Scharf, Vol. I. p. 344, Governor Copley died in his *History of Maryland*, ed. 1879, "on or about 12 September 1693."

EDWARD RANDOLPH IN VIRGINIA.

Calendar of Virginia State Papers, from 1652 to 1781. *Introduction*, pp. xliii, xlvi.

"The tone of public ſentiment is exhibited in the proſecution of Major Charles Scarburgh for uſing ſeditious language againſt the King on account of certain appointments made by him to the ſuppoſed detriment of the eſtabliſhed church."

"An entry of expenſes incident to carrying Edward Randolph, Eſquire, to Col. Richard Scarburgh, doubtless had Some connection with the trial of that gentleman heretofore mentioned."

Calendar of Virginia State Papers, from 1652 to 1781, p. 45.

An Acc^t of Severalls impreſſed by a Virtue of a Warrant from Mr Joſeph Robinſon in order to ye Accommodating Edward Randolph Eſquire in his voyadge to James Citty, May 9th 1693:

PRICE OF ARTICLES IN PENCE.

To 11 ^lbs of dryed beef, at 4^d p. lb:	44 Account
To 24 ^lbs Bacon, at 4 p^d lb:	96 current
To a fat weather,	150
To a bu: wheat ground down,	.64
To one bottle of Rumm.	.20
. . . . .	
To impreſſing a Sloope and 4 hands etc.	.100
To 2 horſes impreſſed & one man for ye Carrying Edward Randolph Eſquire to Coll. Scarburgh's.	.120
To Indian meale, about 2 pecks,	.14
To . . . butter & ye port,	.64

To

To Capt Janifer's men and Cart to carry things down to ye landing, as beding, provifions, etc., .100
To Summon Lebat. de Laftalias & Capt Parker pr. order from Coll. Scarburgh, 20
To Summon Thos Bufhnell and Edward Parker pr. ditto order, 20
To a Sloope Appraifed According to Law at 50 pr. diem being 15 . . . ye voyadge, valu'd 4000, 750

IMPRESSMENTS

To my officer impreffing provifions & attendance, :5
To 2 men's wages to fayle ye flope from May ye 11th to May ye 26th at 15 per diem, as ye Law directh, 450
To a man and horfe, impreffed and fent 40 miles to fummons Edward Parker, tho found him not, . . .
To 2 horfes impreffed, & one man, for ye Carrying Edward Randolph, Efquire, to Coll. Scarburgh's etc 120
To Mr William Anderfon, his Committ^mt, 20
To my Attendance upon him to James Citty, from May 11th to May ye 28th, at 100 pd. diem all that tyme, as pr. p^rcept from ye Honble Jofeph Wormley, Efq^r. — Sunma Errors Excepted.

THOMAS WELLBURNE,
Sher.

COMMISSION OF A SEARCHER OF CUSTOMS, 1695.

Pennfylvania Archives, Vol. I. p. 117.

William Clark Efq^r Collector of their Maj^ties Cuftoms in the Province of Pennfilvania. To John Deplove Gent. fearcher of their Maj^ties Cuftoms in the Citty & County of Philadelphia, in the faid Province.

Whereas

Whereas Edward Randolph Eſq^{r} Survey^{r} Gener^{ll} of their Mag^{ties} Cuſtoms in the Main of America, did by his deputation under his hand & [ſeal] bearing date the 13th day of June Anno Dommny 1692, Depute & appoint the ſaid Wm. Clark to be Collect^{r} of their Maj^{tes} Cuſtoms in the ſaid Province & Territorys, I the ſaid Wm. Clark do hereby appoint the ſaid John Deplove to be Searcher of their Maj^{ties} Cuſtoms in the ſaid Citty & County of Philadelphia with full power to Enter & go on board & ſearch any Ships or Veſſels which he ſuſpects to have Either Loaded or unloaded any of the Production or Manufacture of Europe not Legally Imported in the ſaid Province, and alſo any Ship or Veſſell which he ſhall ſuſpect to take on board any of the Ennumerated Plantation Commodities, not having been only entered and for which Bail with One ſufficient ſurety hath not been firſt given and the ſaid Ship or Veſſell in which the ſaid European Goods or Ennumerated Plantation Commodities were ſo taken or Bound or Imported in the ſaid Province contrary to Law & the ſame to ſeize for their Maj^{ties} uſe & to Proſecute as the Law directs. Given under my hand & Seal of office at New Caſtle this 18th day of February in the Seventh year of their Mag^{ties} Reign Anno Dmin 1694–5.

Wm. Clark, Collector.

Unto

UNTO THE HON^BLE COLL^T W^M MARKHAM GOVER^R OF THE PROVINCE OF PENSILVANIA & COUNTIES ANNEXED.

State Papers, Board of Trade, Plantations Genl, Vol. 4, p. 79. 15 April. 1695.

The Petition of Wm Trout M^r of the Brigantine Dolphin of Boſton in New England now rideing at Anchor in the River Delaware before Marcus-hook in the County of Cheſter

Humbly ſheweth

That whereas one Edward Randolph did upon the 14th day of Aprill Inſtant (being the Lords Day) come on Board the ſaid Briganteen & after ſome diſcourſe with your Petitioner did pull out his fork & therewith made a broad Arrow on the Maſt and ſaid he would & did ſeize the ſaid Brigantine for the King with out ſhewing or giveing any reaſon for his ſoe doeing of Purpoſe to Vex, Trouble, Moleſt & put Yo^r Petitioner to unneceſſary Charges, To the great Detriment of your Petitioner & his intended Voyage back to Boſton & to the diſcouragem^t of Trade; And the ſaid Edward Randolph as wee are Credibly Informed gives out that he is this day goeing to New York & that You^r Petitioner ſhall not come to Tryal till his returne wherein if your Petiton^r be not Releived by your Hon^r It will tend to the Ruine of the Voyage the Briganteen being loaded with Wheat & fflower boath Periſhable Cōmodities & ready to ſaile

May it therefore pleaſe your Hon^r according to the Laws and Cuſtomes of this Province in the like Caſes to grant to your Petitioner an Order for a Speciall Court to be held in the County of Cheſter where the ſaid Veſ-

ſell

ſell lyes for Tryall of the ſaid Seizure, it being very unſafe for your Petitioner and his Crew to give their Attendance from the ſaid Veſſell at any other place of farther diſtance.

And your Petitioner ſhall ever pray &c

Wm Trout

Philadelphia
ye 15th of Aprill 1695 { A Trew Copy Examined
p: Iohn Clapoole, Cler,

Province of
Penſilvania

At a Speciall Court holden at Cheſter Town in the County of Cheſter in the ſaid Province the 18th [16] Day of Aprill in the ſeventh Year of the Reign of our Soveraine Lord & Lady King William & Queen Mary over England &c Anno Dom̃: 1695

Edward Randolph Eſqr Surveyer Genll of their Majeſties Cuſtomes in all the Provinces & Colonies on the Continent of America prefers an Information againſt the Briganteen Dolphin of Boſton William Trout Maſter & her Loading, now or lately Riding at an Anchor within the ſaid Province & alſo proſecutes as well for our Soveraine Lord & Lady the King & Queen as alſo for the Governr of the ſaid Province & for himſelf & gives the ſaid Court to underſtand & be informed; That whereas at a Parliament held at Weſtminſter in the 12th Year of the Reigne of Our Late Soveraine Lord King Charles the Second there was amongſt other things an Act made Intituled an Act for the Encourageing and increaſing of Shiping & Navigation, whereby it was Enacted by the Kings Moſt Excellent Majeſtie & by the Lords

Lords & Commons then in Parliament Aſſembled & the Authority thereof that from and after the 1st Day of December 1660 and from thence forward noe goods or Comodities whatſoever ſhall be imported into or Exported out of any Lands Iſlands Plantations or Territories to his Majtie belonging or in his Poſſeſſion or which may hereafter belong unto, or be in the Poſſeſſion of his Majte his Heirs Succeſſors in Aſia Affrica or America in any other Ship or Ships, Veſſell or Veſſells whatſoever, but in ſuch Ships or Veſſells as doe truly & without fraud belong only to the People of England or Ireland, Dominion of Wales, or Town of Barwick upon Tweed or are of the Built of and belonging to any of the ſaid Lands Iſlands Plantations, or Territories, as the Proprietors & right Owners thereof and whereof the Maſter and three fourths of the Mariners at leaſt are Engliſh; under the Penalty of the forfeiture & loſs of all the Goods & Cõmodities which ſhall be imported into or Exported out of any the aforeſaid Places in any other Ship or Veſſell as alſo of the Ship or Veſſell with all it's Gunns Furniture Tackle, Amunicõn & Apparrell one third part thereof to his Majtie his heirs and Succeſſors one third part to the Governr of ſuch Land Plantation Iſland or Territory where ſuch default ſhall be committed in caſe the ſaid Ship or Goods be there ſeized or otherwiſe that third part alſo to his Majeſtie his heirs & Succeſſors and the other third part to him or them, who ſhall ſeize Inform or ſue for the ſame in any Court of Record by Bill Information Plaint or other Action, wherein no Eſſoyn Protection or wager of Law ſhall be allowed as by the ſaid Act relation being thereunto had more at large may appear. Nevertheleſs the ſaid William Trout Maſter of

of the ſaid Briganteen Contrary to the ſaid Act did in or about the 7th day of January 1694 Import into the ſaid Province divers goods Wares and Merchandizes in the ſaid Briganteen & hath alſo lately and ſince that time Laden & taken on Board the ſaid Briganteen 7 or 8 hundred Buſhells of Wheat or thereabouts in order to Export the ſame in the ſaid Briganteen which doth not truly and without fraud belong only to the People of England or Ireland, Dominion of Wales or Town of Berwick upon Tweed as the Proprietors & Right Owners thereof, and whereof the Maſter and three fourths of the Marriners, are not Engliſh according to the Tenour & true meaning of the ſaid Act, wherefore the ſaid Edward Randolph who proſecutes aſwell for our Soveraine Lord and Lady &c as alſo for the ſaid Governr as for himſelf: Prays the Judgment of the Court, & that Sentence and Condemnation may paſs and be given upon the Premiſſes againſt the ſaid Briganteen and her loading together with all her Guns, furniture, Tackle, Amunition & Apparell according as it is Enacted in the ſaid Act.

This is a true Copy of the Originall
Examined pr Iohn Claypoole Clerk.

Philadelphia the
16th Day of Aprill 1695

Theſe are by their Majeſties Authority to will and require you to Summon a ſufficient Number of Good & Lawfull Men of the County of Cheſter to appear at the uſuall Place for holding of Courts in the ſaid County upon the 30th Day of Aprill Inſtant as Iurors to try A Speciall Matter of a Seizure of the Briganteen Dolphin depending

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depending between Edward Randolph Eſq^r & William Trout Maſter thereof at a Speciall Court to be held there the ſaid day. And make returne thereof at the ſaid Court, hereof faile not at thy Perrill & for ſo doeing this ſhall be thy Sufficient Warrent. Given under hand & Seal of the Province this 23. day of Aprill Anno Dom̃ 1695.

To Joſeph Wood Sheriff of the County of Cheſter } Wm MARKHAM Gover^r

True Copy Examined
p^r Iohn Claypoole Cler̃
Philadelphia in Penſilvania.

The Depoſition of Edward Randell Maſter of the Sloop Loyal Ruſſell Aged about twenty eight Years upon his Atteſtation before me Antho: Morris one of the Iuſtices of this County ſayeth as followeth that upon the 14th Day of this Inſtant he was ſailing up the River of Delaware near about Cheſter, The Surveyer Gen^ll Edward Randolph being then on board the ſaid Sloop hailed A Briganteen then at an Anchor near the ſaid place Enquiring whence they came & alſo enquiring who was the Maſter, Anſwer was made that it was In^o Lindſey and that they came from New England, whereupon the Surveyer Gen^ll required me to come to an Anchor which I did & alſo carried him on Board the ſaid Briganteen in my Boat & when wee came on Board the ſaid Veſſell Squire Randolph Inquired for the Maſter Iohn Lindſey, who denied then that he was Maſter & there appeared one Wm Trout & ſaid he was the Maſter and then the ſaid Squire Randolph aſked him what Country man he was and where he was borne the ſaid Trout replied he was an Engliſhman

lifhman & borne in the Weft of England & then the faid Squire Randolph afked him what part and what Town in the Weft of England to which the faid Trout made no anfwer, but an other perfon ftanding near him faid Trout could not tell becaufe he was brought away from England when he was a Child and further fayeth not.

Taken before me this 20th Day of the
Second Month 1695.

A True Copy Examined } ANTHO: MORRIS.
pr Iohn Claypoole }

By their Majeftys Authority &c.

At a Special Court held at Chichefter in the County of Chefter in the Province of Penfilvania the Thirtieth day of April 1695 being the feventh Year of their Majefties Reigne &c.

Iufticiaries prefent

Arthur Cook, Edward Shippen and George fforeman

The Court being called in Common form &c.

Edward Randolph Efqr Plf
William Trout Defendant.

The Plaintiff and Defendant being called to appear viz. the Plaintiff by his Atturney David Lloyd and the Defendant by his Atturnys John More and Griffith Jones, The Plaintiff which exhibits his information agt the Defendant which was read &c. to which the Defendant pleads not Guilty and of this he puts himfelf upon the Country and the Plaintiff in like manner whereupon a Jury being called impannelled, and attested to try the fame, the Evidence were called and atteftedin Open Court. The Atteftation of William

William Trout Maſter of the Briganteen Dolphin ſaith that he was born at Permequid in New England and that he ſerved an Apprenticeſhip with one Calender of Boſton in New England Iohn Lindſe and Eleaſer Lindſe Marriners belonging to the ſaid Veſſell upon their Atteſtation ſay that they were born at Linn in New England and that they have belonged to the ſame place this ſeveral Years, Richard Wilſon Marriner belonging to the ſaid Veſſell being likewiſe atteſted ſaith that he was born at Belaughe in the North of Ireland; James Aſcue dwelling in Suſſex one of the Counties annexed to the Province of Penſilvania, upon his Atteſtation ſaith that he knew William Orr ffreighter of the ſaid Veſſell near theſe three Years and that the ſaid William Orr was an inhabitant in the ſaid County of Suſſex and hath paid Scott and Lott to this Government as other Freeholders did, and the ſaid William Orr likewiſe produced a paper to prove the ſame being in theſe words Received the Twenty fifth day of Aprill One Thouſand Six hundred Ninty four of Mr William Orr and Partner Two pounds One Shilling and Eight pence being in full for the Rate levied upon the [penny?] p Bill I ſay received p John Hill Collector. Alſo received five ſhillings for his and partners County Levy p Iohn Hill Sheriff. The Jury having heard all the Evidences withdrew and after ſome time bring in their Verdict in theſe words. This 30th of Second Month 1695. We of the Jury do find for the Defendant with coſt of Sute and Lawfull damage. Henry Hollingſworth ſforeman, Whereupon the Atturny for the ſaid Randolph produced a Note requeſting an appeal viz. I Edward Randolph Surveyor Generall of their Majeſties cuſtoms in the North America do on their

 Majeſties

Majeſties behalf by David Lloyd Atturny for their Majeſties to proſecute the Briganteen Dolphin of Boſton William Trout Maſter now under Seizure for their Majeſties, Appeal from the Verdict of the Jury to the next Provincial Court. Philadelphia Aprill the 30th 1695: Edward Randolph S: G: To which the Court anſwered ſo far as the King was concerned they were willing that the cauſe might be removed by appeal to the Provincial Court, And as concerning the ſaid Randolph part the Court alſo expreſſed their readineſs to Grant his Appeal he giving Security to proſecute his ſaid Appeal as the Law of this Province requires but in reſpect of his abſence and no Security preſenting the Court admitted of his Appeal Provided he give Security before the Governor or ſuch as he ſhall appoint to take the ſame for proſecution of the ſaid Appeal. Notwithſtanding which Appeal its further Orderd that the ſaid Briganteen with her Loading be diſcharged ſo as to proceed their Voiage, The ſaid William Trout giving Security to the value of the ſaid Briganteen and Loading to the Governor or ſuch as he ſhall appoint to anſwer ſuch damage as ſhall be awarded againſt him upon the ſaid Appeal, In caſe the ſaid Randolph Give Security as aforeſaid.

An Abſtract drawn from the Records of
the ſaid Court the Third day of May 1695
p John Claypoole, Cĕr.

Philadelphia.

Theſe are in the King and Queens name to require thee to Arreſt the Body of Edward Randolph Eſq: if ſound in thy Bayliwick and him ſafely keep and have at the next County Court to be held at Philadelphia the

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the ſeventh day of this inſtant month as well to anſwer to the Complaint of William Trout Maſter of the Brigantine Dolphin as to abide the judgment of the ſaid Court. Given under my hand and Seale this 2d day of May being the ſeventh Year of the Reigne of William and Mary over England &c. King and Queen Annoq Dom̃: 1695.

To the Sheriff of
the County of Philadelphia. ANTHO: MORRIS.

This is a true Copy of the Original
examined p John Claypoole Cler̃.

Philadelphia.

Edward Randall Eſq.r ſtands attached to anſwer the Complaint of Wm. Trout Maſter of the Briganteen Dolphin of Boſton, For that whereas at a Parliament of our late Soveraigne Lady Elizabeth Queen of England & in the eighteenth year of her Reign held & publiſhed amongſt other things it is Ordained & Enacted That where any Informer delays or diſcontinues his Suite, or otherwiſe is nonſuited or overthrown that ſuch Informer ſhall pay all Coſts and Damages, and the ſaid William ſaith that the ſaid Edward Randolph by the Name of Edward Randolph Eſq.r their Maj.tes Surveyer Gen.ll for their Cuſtomes in the Continent of America who proſecuted as well for Our Lord & Lady the King and Queen and the Govern.r, as for himſelf in that behalf, at A Speciall Court held at Cheſter in the County of Cheſter the thirtieth day of Aprill Anno Dom: 1695 before Arthur Cook, Edward Shippen and George Foreman Iuſtices eſpecially appointed by the Hon.ble William Markham Govern.r &.c a certain information of the ſaid William

William Trout upon breach of An Act of Assembly Entituled an Act for the Encouragement of Shiping and Navigation made in the Twelf Year of the Reigne of Our Sovereign Lord Charles the Second late King of England, And although the said Wm Trout was by the Iury Acquitted & Lawfully not found guilty of the premisses, as was by the said Edward in his Information aledged as by the Records and proceedings more at large appeareth Yet the said Edward Randall, the said Statute of the eighteenth of Queen Elisabeth not minding, the said Edward the cost & damages to him acrewed by reason of the Information aforesaid in forme aforesaid exhibited hath not paid, whereby Action hath acrewed to the said William to require & have of the said Edward Randolph the Sum of fforty four pounds Eighteen shillings Silvermoney and reasonable cost & Damages sustained by the Occasion aforesaid according to the form of the said Statute of the Eighteenth of Elizabeth Yett the said Def: the same to pay hath refused Allthough often requested, and still doth refuse to the said William's Damage sixty pounds And thereupon he brings this Suite.

[*Endorsed*] Copy of A Tryall upon the Seizure of the Brigantine Dolphin, in Pensilvania.

Delrd to ye Board by Mr Randolph. Augt the 17th 1696.

An

AN ACCOUNT OF SEVERALL THINGS WHEREBY ILLEGALL TRADE IS ENCOURAGED IN VIRGINIA MARYLAND AND PENSILVANIA, TOGEATHER WITH METHODS FOR PREVENTION THEREOF HUMBLY OFFER'D TO THE CONSIDERATION OF THE HONOURABLE THE COMMISSIONERS OF HIS MAJESTIES CUSTOMS BY EDWARD RANDOLPH SURVEYER GENERALL &c.

State Papers, Board of Trade, Plantations Gen[l], Vol. 4. p. 57. 16 Oct. 1695.

First. The Ignorance remiſſions or Connivance of the Collectors permitting Maſters of Veſſells and others to import into their diſtricts Goods and Merchandizes Prohibited by Law and to ad Tobacco upon their producing forged Certificates: Some are Traders having Offices of Truſt and profit in the Government.

Secondly. The Naval Officers takeing perſons of Small or no Eſtates to be Security for Maſters bound to England Wales &c. but carry their Tobacco to Scotland directly yet afterwards upon their producing forged Certificates they diſcharge thoſe forfeited Bonds.

Thirdly. The generall partiality of Courts and Jurys (byaſſed by private Intereſt) in cauſes relating to the Crown of which ſome as in Virginia and Penſilvania are not legally Quallified.

Fourthly. There is no penalty by Law upon Fobb [cheating] Maſters nor upon Maſters producing forged Certificates & Coquetts to the Collectors in the Plantations nor upon thoſe perſons who forge them (William Maccay in the Providence of London but John

John Carr was Caleb Hubbert in the Antelope of Boſton Caleb Chaffin Maſter John Price in the Catherine of Boſton Guſtavus Hamilton Maſter.

Fifthly. The Inhabitants on the Eaſtern Shore of Virginia Mary Land and Delawere River Scottiſhmen & Others haue great Stocks lying by them to purchaſe Tobacco and prepare a Loading ready to be put aboard any Veſſell from New England &c who aſſiſt with Boats Sloops to get the Goods a Shoar before the Veſſell is Entred, which they diſpoſe of amongſt their goods in the Store, the Veſſel lying in ſome obſcure Creek 40 or fifty Miles diſtant from the Collect^ns Office and in a ſhort time is Loaded and ſayles out of the Capes undiſcovered.

6thly Collectors permitting Veſſells Entred outwards to ſome other place then to the Plantations as Ireland Newfoundland &c to trade in the Plantations bringing no Certificates that Security is given in England.

7thly Collectors permitting the Natives of the Kingdom of Scotland coming Paſſengers from thence by way of Berwick Whitehaven &c to the Plantations with Conſiderable quantities of Goods which in a Peddling manner they diſpoſe of running in ſmall boats from River and Creek to another.

8thly Their not proſecuting Maſters vpon forfeiture of their Plantation Bonds, nor Veſſells belonging to England Ireland or the Subjects in the Plantations upon Breach of the Acts of Trade unleſs they come into the Plantations where the Offence was Cōmitted.

Fobb

9thly Fobb Maſters (as William Maccay, Caleb Hubbert, John Price, Stephen Lawrence laſt year &c) not worth five pounds apeece being Iriſh or Subjects in the Plantations Saile in Veſſells belonging to Scottiſh Owners, and upon their Oath that they are ſuch are permitted to trade if they can produce but a Coquett from England (as Robert Arthur &c)

10thly The Collectors nor their Deputies goeing abroad Veſſells vpon their firſt Arrivall into their diſtricts to Examine whither the Maſter, the Veſſell and the Marriners are duly Qualified.

11ly Their ſuffering Veſſells belonging to New England Barbados &c carrying Bread, Flower, and Other proviſions in Caſke from Virginia Maryland or Penſilvania to the Plantations to load in any River or Creek 50 or 100 Miles diſtant from their Offices, by which means great quantities of Cutt and dryed Tobacco are put up in Caſke and carried to the Plantations.

12ly Gover.n of the Plantations permitt Privateers of all Nations to be Maſters and Owners of Veſſells as in Penſilvania, New England &c for prevention whereof 'tis humbly propoſed

1st That 3 or 4 active perſons Experienced in Cuſtome-houſe buſineſs be ſent from England and diſpoſed of in thoſe diſtricts where illegall Traders uſually reſort having Salerys, which with the Cuſtom houſe fees of their Office will maintain them well, without Trading or dependance on the Government.

None

2d. None of Enumerated Plantation Cōmoditys are to be exported out of the Plantations till Bond be firſt given &c or Certificate produced &c as by the 12th of K: C: the Second And by the ſaid Act the Govrs of the Plantations are required to take an Oath to obſerve the forementioned Clauſes in that Act. But neither the Govrs nor ſuch perſons whom they ſhall appoint are by the 12th or by the 15th of the ſame King under any penalty if they take in ſufficient Security &c All Governrs therefore ought to be under the ſame Penalty of 1000li and forfeiture &c for taking inſufficient Security as by the ſaid Act of the 15th of the King they are for entring upon their Governments before they have taken the ſolemn Oath: Quer whether the Gouerrs of Proprietaries haue not incurrred the penalty of the Act for entring upon their Gouernts before they have taken the Oath Enjoned thereby.

3ly That a Court of Exchequer be erected in all the Plantations on the Coaſt of America, to try all Cauſes (criminall Excepted) relating to the Crown, the Judges and Attorneys Generall to be appointed by his Majeſty Our Emparlance to be allowed only: Appeals to ly from that Court to the Gouer & Councill and from them to his Majeſty in Council: And to take the Officers Bond to proſecute to effect [sic] (mine was refuſed after the Tryal of the Briganteen do upon my appeale in Penſilvania.

4thly Hobb [Fobb] Maſters and Maſters producing a forged Certificate or Coquet to the Collector in the Plantations

Plantations to ſuffer 12 months Impriſonment and the Loſs of the Veſſell and Loading and the forger Impriſonment during life, And for diſcovery thereof, that our Liſt of Certificates of Veſſells giving Bond in the Plantations to goe to England &c only certifying the diſcharge of their Loading accordingly to be yearly ſent to the Gover^r of that Plantation where they loaded, by ſuch perſon whom the Commiſſioners of his Majeſties Cuſtomes ſhall pleaſe to appoint, which Liſt ſhall be deemed and allowed of for good Evidence in Law by all perſons concern'd.

No Maſter or Mate or other perſon belonging to any Veſſell coming to the Plantations ſhall unlade any Goods or Merchandize whatſoever before entry made &c upon forfeiture of 200^li, And every Inhabitanter or forrainer that ſhall aſſiſt or take from on board ſuch Veſſell any goods into any ſloop &c untill ſuch Entry firſt made and the Maſter have ſhewed a permitt under the hand & ſeal of the Officer being Informed againſt & apprehended by A Warrant from a Juſtice of Peace in the Govern^t where the Offence was Committed and convicted thereof, ſhall for the firſt Offence looſe the Sloop &c and all the goods a board or Landed out of her and pay the ſum of ten pounds and for the Second Offence pay 20^li &c

All Veſſells ſailing from England &c to the Plantations to bring with them a printed Certificate that Bond is given in the Port from whence they cleared, Otherwiſe not to be permitted to Load under the penalty of [blank] to the Collector.

All

7thly All Scotch men being Agents and Factors coming by way of Whitehaven &c directly to the Plantations bringing with them Scotch Manufacture &c or the product thereof to purchase Tobacco, and bring the proper Goods of the subjects of the Kingdome of Scotland to be accounted Aliens according to the Act made in the 12th year of King Charles the Second.

8thly All English Irish or Subjects in the Plantations being Masters or Mates of Vessells ought Strictly to be prosecuted upon forfeiture of their Plantation Bond that a Copy thereof attested before the Govern^r in Councill under the Seal of the Government shall be valid Evidence against the Offender in any Court in England Ireland or the Plantations.

That no [blank] or fraudulent sale of any Vessell breaking the Acts of Trade in the Plantations shall barr the prosecution of her upon Testimony of the Fact viva voce taken before the Governor in Councill under the Seal of the Government which shall be a sufficient proof to Condemn her being Seized and prosecuted in what place soever in his Maj^ts Dominions he shall be found by such person as shall be thereunto appointed.

That severall of those Copies and Testimonialls of the Fact be sent to the Officers in such places where the Offenders may be mett with with Depositions of the Masters and Vessells ready to be made vse of upon the first arrivall of either of them, that the Defend^ts have liberty to appeal.

That

That all the Maſters and Veſſells which have broken the Acts of Trade belonging to Ireland or New England be proceeded againſt upon the Copys of their Bonds &c given in Years 1693 & 1694 And that Nathaniell Dives of Londondery who run away with his Ship and Loading after ſhe was ſeized for his Majeſty be proſecuted in Ireland where he now inhabits.

9thly No Engliſh Iriſh or Subjects in the Plantations to ſaile Maſter or Mate in any Veſſell belonging to the Subjects of Scotland, upon any pretence whatſoever upon forfeiture of the Veſſell and her Loading the One Moiety to his Maj^ty the other to the Informer if diſcovered in one Year next after the Offence Committed or to ſuch Maſter or Mate upon revealing & making known his Offence to the Governor or the Collector in the Plantation within 20 days after his Arrivall.

10thly The Collector or his Deputy to goe aboard where there is ground of Suſpicion to view the built of the Veſſell, the Maſter to give an Account in writing of the Names of all his Owners the place or places of their habitation with the Number and Names of all his Saylers upon Oath and ſigned by him before Witneſs, if afterwards he be Convicted to forfeit 500^li the one Moiety to his Ma^ty &c

11thly All Veſſells Carrying Tobacco or Proviſions in Caſke from Virginia Maryland or Penſilvania to any other of his Majeſties Plantations ought to haue two parts [ports] only allowed to load and unload at in each

each Colony and Province to be appointed by the reſpective Governor the Collector or his Deputy to be allways preſent at the time Loading upon penalty.

11thly New England Penſilvania, South Carolina, and Other places, abound with Privateers (the peſt of all Trade) no Privateer to be admitted by the Gover.r to Enjoy any Libertys or priviledges in the Plantations untill hee have given ſufficient Security (not leſs then 1000ll Ster.l) to be taken and approved of by ſuch perſon as his Maj.ty ſhall pleaſe to appoint and then to haue Liberty &c.

[*Endorſed*] Copy of M.r Randolph's Propoſalls to the Com.rs of the Cuſtoms to diſcourage the illegall Trade in the Plantations: preſented to them the 16th Octob.r 1695. Del.rd to me the 17th Aug. 1696.

Randolph's Petition: also Proposalls to prevent delay in loading tobacco.

State Papers, Colonial, Board of Trade, 2. Bundle C. 31 Jan. 1695.

To the Right Hon.ble the Committee of the Lords of his Ma.ties moſt Hon.ble Privye Councill.

May it pleaſe y.r Lordſ.pps

I did humbly repreſent in my papers now under y.r Lordſ.pps Conſideratiō the many miſcheifes ariſing to the Revennue of y.e Crown by y.e Subjects of Scotland trading directly to & from that Kingdome to his Ma.ties forain Plantations.

During my Stay in thoſe Plantations I obſerved that M.rs of veſſells mett with Great Difficulties in loding their tobacco either

either by their Saylers deſerting their Service, or by ye Comanders of his Maties Shipps of Warr preſſing them. So that the Convoy left 25 Sayle of veſſells laſt yeare expoſed to ye Danger of Privateers.

For remedy whereof for the future, I did humbly preſent to the Right Honble the Lords of ye Committee for Trade Propoſalls (a Copy whereof is humbly annexed) which their Lord^ppe^ were pleaſed to approve of, and on ye 13 of Decem^ber^ paſt referrd them to their Lordſ^ppe^ of the Admiralty to report thereupon.

Now in regard the Severall matters therein containd are of great Import to his Maties Service: in having all the Merchantable Tobacco (from whence a moſt Conſiderable Revennue doth yearely ariſe) loaded tyme enough, that all veſſells return under Convoy:

Its humbly propoſed,

That their Lordſ^ppe^ of the Admiralty do accordingly make their Report: That his Maties Gratious directions may be had thereupon. All which is etc:

Jan^y^: 31: by
1695. EdRandolph. S: G:

[*Annexed*]

To the R^t^ Honble the Lords of the Committee for Trade and Foreign Plantacons.

The humble Repreſentacon of Edward Randolph Surveyor Generall of His Ma^ts^ Cuſtomes in the Colonies and Plantacons upon the coaſt of America.

May it pleaſe yor Lopps

His Ma^ts^ ſhips of War ſent yearly to convoy the Veſſells trading

trading to Virginia and Maryland, come to an anchor upon their arrivall at Point Comfort in Virginia, and there continue till ye return of the Fleet to England; which is about 80 leagues diſtant from ſome of the harbors and creeks in Maryland, where ſhips from London and other places do yearly load, and not one of them is ſent into that Province to aſſiſt the Maſters in their loading in caſe their Sailors fall ſick or run away from them, now much practiſed. They go thoſe long voyages to avoid being preſſ'd into His Maties Service at home: ſome get aſhore, and are harbour'd and conceald by the Planters in the Country; but the far greater number (in expectacõn of much higher wages) are incouraged and entertaind in Philadelphia in Penſilvania where ſhip themſelves either abord the Privateers for ſhares, or upon veſſells trading illegally to South Carolina, or Caraſaw; whereby His Ma^ty^ loſes every year the ſervice of many able Sailors, who ſeldom return to Engl^d^ The homeward bound ſhips are weakly man'd, and not capable to defend themſelves ag^t^ the Comõn enemy; neither can ye Maſt^rs^ comply with the Condicõn in their bonds to return y^r^ men to England.

Nigh a 100 Sailors ran away laſt year from the ſhips belonging to London and other places, loading tobacco in Maryland and Penſilvania, which with the Sailors ſicknes, and the extraordinary froſt and ſnow, ſo obſtructed the Maſters in their loading that 25 veſſells, of which ſome carried 7 or 800 hogſh^ds^ a peece, were left by the Convoy to ſhift for themſelves, and might have bin loſt; but Colon Nicholſon ſtopd them til they were all loaden, and made one Comãndore for that voyage.

Great

Great differences arife often between ye Mafters and their men, and fometimes mutinies among the Sailors, not to be compof'd by the Civil Magiftrate; which might effectually and fpeedily be fuppreffd, if a Man of war Orderd his ftation in Patuxant river in Maryland, (being the place where fhips clear with the Officers of His Ma^ts^ Cuftoms) and to continue there til the fhips loaden in ye remoter parts of the Bay, come thither, and are ready to join ye Virginia fleet at the Comand^ts^ prefixed time of failing home.

Now to the end that Mafters of veffells trading in thofe Plantacons may be (for the future) not delayed in their loading and difpatch,

It is humbly propofed

1. That one of the Convoy fhips now bound out with ye Merch^t^ men to thofe Plantacons, may (upon her arrivall) be Orderd to fail to Patuxant river in Maryland, and to be aiding & affifting to the Mafters as juft occafion may require.

2. That direcon be given to ye Governors in Virginia & Marylad to make Law injoining a fevere penalty upon any Planter or other perfon whatfoever, that fhall hereafter allure or entice any Sailor [&c] from his fervice abord fhip or otherwife in the voyage, or fhall harbor and conceal any of them in their houfes or elfewhere.

3. That ftrict Order be fent to ye Governor of Penfilvania, and ye three lower Counties on Delaware bay, to feize upon & apprehend all Sailors and Mariners coming into that Government by land or water from Virginia or Maryland, and to fend them back again with a guard, to be delivered to one of the Members of His Ma^ts^ Councill in either Government from whence they run away, to be put abord one of His

His Ma^ts^ ſhips of war, to be proceeded againſt as Runaways & deſerters of His Ma^ts^ ſervice.

And whereas tis a known & comon practice of Maſters & Owners of Merch^ts^ ſhips to hire & entertain abord, upon extraordinary wages, the Sailors belonging to, & in His Ma^ts^ Service in ye Ships of war in the Plantacons (as in New England &c.) by which means thoſe ſhips are rendred incapable to purſue & perform their Services as in duty bound, which obliges ye Capt^s^ & Comand^rs^ of His Ma^ts^ ſhips of war to preſs Sailors out of veſſells trading to and from thoſe Plantacons, to the utter ruine of their voyage alſo.

It is therefore humbly propoſed That all Maſters & Owners of veſſells upon merch^t^ imploy, who ſhall hire for wages, or keep abord any ſuch Sailor without ye licenſe under ye hand & ſeal of the Capt or Comand^r^ of the ſhip of war to whom he did belong firſt had & obteined, ſhall, upon due proof & convicc̃on thereof, forfeit y^e^ ſum of, ——— the one moiety to His Ma^ty^ and the other to him who ſhall inform & proſecute for the ſame within ——— days after ye offence committed.

And that every Capt or Comand^r^ of any of His Ma^ts^ Ships of war coming into any His Ma^ts^ Plantacons, ſhall not, upon the death or runing away of his men, preſs or take from abord, any of the Sailors or other perſons belonging to Merch^ts^ veſſells, without having firſt made known to ye Governor of ſuch Plantacon, the cauſe, and alſo ye number of men wanting to make up ye Complement, with all due regard had to the encouragem^t^ and promoting the Plantacon Trade. Such like methods will be leſſe chargeable to Merchants,

chants, and render His Ma^ts^ Ships at all times ready for Service.

Referrd to ye L^ds^ of ye Admiralty
All which &c.

13 December past. by EdRandolph Surv^r^ Gen^ll^

[*Endorsed*] Mr Randolphs Petition.

[*And further*] Proposalls humbly offred to prevent Delayes in Masters loading tobacco in the Plantations, and to secure them from being taken in their Return home.

Randolphs Memorial.

State Papers, Colonial, Board of Trade, 2, Bundle C. 10 Feb. 1695.

To the Right Honble the Committee of the Lords of his Maties most Honble Privye Councill.

May it please y^r^ Lord^ships^

In my Memoriall presented to y^r^ Lord^ships^ by ye Comm^rs^ of his Maties Customs, I did therein Humbly represent the great damages arising to the Revennue of his Maties Customs on Tobacco: by the illegall Trade carried on to & from the Plantations to Scotland directly by the Subjects of that Kingdome as also the Impossibility of Suppressing the Same for the future untill those many vasts [*sic*] tracts of land upon ye Continent of America; now in the possession & dispose of severall Proprietors be brought to a strict Conformity to the Acts of Trade & Navigation.

My occasions pressing me Suddainely to depart for that Continent of America, unlesse y^r^ Lord^ships^ shall please to Command my attendance & further Informations in order

 to

to make a Compleat Regulation in the trade of all thoſe ſeparate Colonyes & Provinces:

I humbly attend the ſignification of y^r Lordſ^pp^s pleaſure therein.

All which is etc:

by EdRandolph: Sur^r Ge^ll

[*Endorſed*] Mr Randolph: Mem^ll
Read 10 Feb: 1695.

EXTRACT OF PRESENTMENT FROM COM. OF CUSTOMS.

State Papers, Board of Trade, Plantations General, Vol. 4. p. 29.

Att the Councill Chamber in Whitehall
the 23th day of July 1696.

Preſent: Their Excellencies the Lords Iuſtices in Councill.

It is this day Ordered by Their Excellencies in Councill that the annexed Extract of a Preſentment from the Commiſſioners of ye Cuſtomes, to the Right Honõble the Lords Commiſſioners of the Treaſury, be ſent to the Councill of Trade, to Report their Opinion, as to what Relates to Attorney Generalls to be appointed for the Plantations according to the Propoſall of the Commiſſioners of the Cuſtomes.

Wm BRIDGEMAN.

Extract of a Preſentment from the Comm^rs of his Maties Cuſtomes to the R^t Hono^ble the Lords Comm^rs of his Maties Treaſury.

Whereas by the Act made in the 22th and 23th yeares of the Reigne of King Charles the Second, 'tis provided that if any

any Shipps or Veſſells ſhall lade any of the enumerated Commodities before Bond given in manner therein directed to carry the ſaid Goods to ſome other of his Maties Plantations, or to England Wales or Berwicke, or which contrary to ſuch Bond ſhall carry the ſaid Goods to any place, other then to ſuch other Engliſh Plantations as doe belong to his Matie or to England Wales or Berwicke and there lay the ſame on Shoar, every ſuch Ship or Veſſell ſhall be forfeited with her Guns, ffurniture and Ladeing, the one Moyety thereof to the Kings Matie and the other to him or them that ſhall Seize and Sue for the ſame in any of the ſaid Plantations in the Court of the High Admirall of England, or of any of his Vice Admiralls, as well as in any Court of Record in England, and by the aforeſaid Act for preventing Frauds and regalateing Abuſes in the Plantation Trade, the Penalties and fforfeitures therein mentioned are to be recovered in any of his Maties Courts at Weſtminſter, or in the Kingdome of Ireland, or in the Court of Admiralty held in his Maties Plantations reſpectively where the Offence ſhall be committed at the Pleaſure of ye Officer or Informer, or in any other Plantation belonging to any Subject of England; The Comm^{rs} do humbly move as highly conduceing to the due Execution of theſe and other penall Lawes for the Good of the Plantacon Trade, That ſuch Courts of Admiralty may be erected in each reſpective Plantacon, And that Perſons of knowne Ability and Integrity may by Comiſſion from the Lords of the Admiralty be accordingly impowered for theſe purpoſes, And likewiſe that Perſons of Experience in the Laws may be Nominated and Recomended by the King,

King, to the respective Governors to be Employed as Attornys Generall for the Prosecucon of Bonds, Trying of Seizures and other matters relateing to the Crowne.

ROBERT CLAYTON
ROB^T. SOUTHWELL
WALT YONG
JA: CHADWICK
SAM: CLARKE
BEN: OVERTON.

A true Copy.

W^m. Bridgeman.

[*Endorsed*] Presentm^t. from the Com^rs of the Customs relating to the Execution of Penal Laws against irregularities in the Plantaõ Trade, and the establishing Courts there, with proper Officers for that purpose: With an Order of Councill upon it, dated July the 23th. 1696.
Read the 27th.

THE NAMES OF Y^E. GOU^RS IN THE SEVERALL ISLANDS COLONYES & PROVINCES TO HIS MA^TIES BELONGING IN AMERICA: SOME OF THEM ARE APPOINTED BY HIS MA^TIES IMMEDIATE COMMISSION: OTHERS BY THE OWNERS OF PROPRIETYES PUTT OUT & REMOVED BY THEM AT PLEASURE: OTHERS ANNUALLY ELECTED.

State Papers, Board of Trade, Plantations Genl, Vol. 4. p. 37. 29 July 1696.

Gou^rs by his Maties immediate Commission;

Islands:

Jamaica	S^r. William Beeston
Barbados	ffrancis Russell: Esq:

Leeward

Leeward Iſlands

Antequo Nevis S[t] Chriſtophers: Mount Seratt	Col[l]: Chriſtopher Codrington: Gou[r] Col[l] Thomas Hill: L[t] Gou[r] Sammuell Gardner L[t] Gou[r] of Nevis:
Bermudos	Col[l]: John Goddard.

Continent

Virginia	S[r] Edmond Andros
Maryland	Col[l]: ffrancis Nicholſon
New Yorke:	Col[l]: Benjamin ffletcher
New Eng[d]	William Stoughton Eſq: L[t] Gou[r]

Gou[rs] by Proprietors

Bahama Iſlands	Nicholas Trott Eſq:
Carolina	John Archdale a Quaker: for his Son:
Pennſilvania	M[r] William Markham
Eaſt Jerſey	M[r] Andrew Hamilton a Scotch man:
Weſt Jerſey	
New Hampſheire	M[r] William Partridge:

Jõ: Goodſon Sam̃: Carpenter Aſſiſtants.

Gou[rs] by Charter: annually Elected.

Colony of Connecticott	M[r] Robert Treat:
Colony of Road Iſland	Caleb: Carr: late Gou[r] an illiterate man.

m. New Eng[d]

'Tis one of thoſe places (as I formerly repreſented) which harbours pyrates: Cap[t] Tew a pyrate came theither laſt yeare with a very great Sum̃ of money & 4 veſſells very well mannd Sayld from thence to the Red Sea: ſometyme after.

The

The Gou^rs in all his Maties plantations are by the ſeverall Acts of Parlm^t relating to Trade enjoined as ffollows:

12 C. 2. To take an Oath: etc:
not to allow an vnfree Ship to trade upon forfeiture of their places:
To take Bonds: etc:

15 C. 2. To take an Oath, to obſerue what is therein Enacted vpon forfeiture of 1000^li: etc:

22 & 23 C. 2. To take Bonds, & to receiue Certificates from ye Officers in ſome Cuſtome houſe in Eng^d.
That bonds haue been there giuen:
To return to his Maties Officers in the port of London a Liſt of ſuch veſſells as ſhall load any of the Cōmodityes in ſuch plantations, and alſo Liſts of all Bonds taken by them.

7: & 8: G: 3. All Gou^rs or Commanders in cheife etc: ſhall take a Solemn Oath: to do their vtmoſt, That all the Clauſes matters & things contained in the before recited Acts of Parlm: heretofore paſſed: & now in force: etc: bee punctually & bonâ fide obſerued: etc:
All which is humbly ſubmitted by
etc: EDRANDOLPH:

July: 29th 1696.

[*Endorſed*] Mr Randolph's Liſt of the Names of the preſent Govern^rs of the American Plantations
July, the 29th 1696.
Read the 31st

To

To the Honble the Comm^{rs} of his Maties Customs. Proposalls humbly offred, for the more effectuall putting in Execution the Act for preventing frauds & regulating abuses in ye plantation Trade.

Board of Trade, Plantations General, 4, (53). 31 July 1696.

1. That the Gov^{rs} in all the proprietyes be duely qualified for the difcharg of their Truft, in relation to the Acts of Trade, as in ye Act for preventing frauds etc. is directed.
2: that fitt perfons be appointed to be the Gov^{rs} of Carolina & Penfilvania to prevent the illegall Trade carried on by Scotchman & others in veffells belonging to New Eng^{d} & penfilvania, from thofe provinces, to Scotland, Carafaw, & other unlawfull places.
3. That a Commiffion under the Great Seal of Eng^{d} (as formerly) be directed to divers perfons with power to adminifter the Oath to the prefent Gov^{rs} in all the plantations: & alfo to fuch who fhall hereafter be made Gov^{rs} of any of them: before their entring upon any of their refpective Goverm^{ts}
4: that there be appointed a Judge, a Regifter, a Marfhall of the Courts of Admiralty, and an Atturney Gen^{ll} in all ye Colonyes & Provinces upon the Coaft of America, to trye Caufes arifing upon Seizures & forfeitures, made upon ye Breach of ye Severall Acts relating to the Trade in the plantations (as in the afore faid Act for preventing frauds etc. is directed.
5: that all fuch Collectors & others, who have by ignorance or Connivance encouraged the illegall Trade in the plantations

plantations be removed, & honeſt & able Officers be putt in their Roomes and alſo in places where Officers are yet wanting, for the better putting the ſaid Act in Execution.

All which etc:

by ED RANDOLPH

[*Endorſed*] Propoſalls about effectuall putting the Act for preventing frauds etc: in execution in the plantations. Preſented to the Board by Mr Randolph, July the 31th 1696.

THE NAMES OF PERSONS TO BE THE JUDGES REGISTERS & MARSHALLS IN THE COURTS OF ADMIRALTY & ALSO OF ATTURNEYS GENLL IN THE FOLLOWING COLONYES & PROVINCES ON THE CONTINENT OF AMERICA.

Board of Trade, Plantations General 4 (45). 31 July 1696.

Virginia & North Carolina.	Edward Hill: (of the Councill	Judge
	Myles Cary	Regiſter
	Michaell Shereman	Marſhall
	Edward Chilton	Atturney Genll
Maryland.	Henry Jolls on ye weſtern ſhore of ye Bay.	Judge
	Georg Robotham on ye Eaſtern ſhore	Judge
	Henry Denton	Regiſter
	Thomas Collier	Marſhall
	Edward Chilton	Atturney Genll
Pensilvania & West Jersey.	Richd: Holloway	Judge
	William Rodney	Regiſter
Ric: Hollaway: Judg.	Robert Webb	Marſhall
	Edward Chilton	Atturney Genll
New York.	Colll. Wm Smith	Judge
	John Tuder	Regiſter

Jervaice

	Jervaice Marſhall	Marſhall
	James Graham	Atturney Gen^{ll}

Eaſt Jerſey & ye Colony of Connecticott to be under the Juriſdiction of ye Court of Admiralty in New Yorke.

Road Island Colony.	[Peleg] Sandford	Judge
	Nathaniell Coddington	Regiſter
	William Allen	Marſhall
	Thomas Newton	Atturney Gen^{ll}
Province of the Massachusetts Bay.	Nathaniell Byfield	Judge
	Laurence Hammond	Regiſter
	Henry Franklin	Marſhall
	Thomas Newton	Atturney Gen^{ll}

Mem: that the fees of the Officers in the Severall Courts of Admiralty (now not known) be aſcertaind by the Judge of ye Court of Admiralty in Eng^{d} to be approved of & allowed by the Govr & Councill in Each Reſpective Gõm^{t} or otherwiſe as ſhall be directed.

That upon the abſence Removall or death of any of the ſaid Officers, the Gov^{rs} in thoſe places be impoured to appoint other perſons to officiate in their Rooms: & to return the names of ſuch perſons to the Admiralty in Eng^{d} to receive from thence Deputations accordingly.

That there can be no Eſtabliſhment of Courts of Admiralty in the Bahama Iſlands Carolina or in any other of the Proprietyes untill there bee a regulation in the Gõm^{ts} as is directed in the Act for preventing of frauds and Regulating abuſes in the plantation Trade:

All which is humbly Submitted

July 31: 1696. by etc: ED RANDOLPH.

The

(47.) The Names of perſons to be appointed the Officers in the Courts of Admiralty:

New Yorke	Coll: William Smith	Judge
	John Tuder	Regiſter
	Jervaice Marſhall	Marſhall
Bermudas	Gilbert Nelſon	Judge
	Samuell Spoferth	Regiſter
	Samuell Daffry	Marſhall
	Nicholas Trott ju:	Atturney Genl
South Carolina.	James Moore	Judge
	Ralph Izard	Regiſter
	Edward Rawlings	Marſhall
	Jonothan Armory	Atturney Genl
Bahama Islds	Chriſtopher Hooper	Judge
	John Warren	Regiſter
	John Cocke	Marſhall
	John Graves	Atturney Genl

This was given in by Mr Randolph ye 10th of Augt

[*This page endorſed.*]

To Mr Popple: ju:

The names of fitt perſons to be the Officers in the Court of Admiralty in the Province of New Hampſheire in N: Engd

John Hincks	Judge
Robert Tuſton Maſon	Regiſter
Phea[ſaal] Eſtwick	Marſhall
Thomas Newton	Atturney Genl

[*Endorſed*] The Names of perſons to be appointed Judges Regiſtrs Marſhalls & Atturneys Generall: etc:

Preſented to the Board by Mr Randolph July the 30th 1696.

An

AN ACCOUNT OF SEVERALL VESSELLS SEIZED & PROSECUTED BY EDWARD RANDOLPH SURVEYR GENLL OF HIS MATIES CUSTOMS: AND CLEERD BY THE COURTS & JURYES IN VIRGINIA MARYLAND AND PENNSILVANIA.

Board of Trade, Plantations General, 4. (41). 31. July 1696.

Virginia. 1692. April 13. — the ſhip William & Mary Thomas Merch Mr tryed at the Genll Court & the Mr permitted to Sayle upon his Bond. Merch afterwards confeſſed he belonged to Scotch men.

March 12. 1693. — the Ship Elezabeth of Berwick John Edmeſton Mr tryed at a Speciall Court holden in Northumberland County acquitted by the Jury.

April 24. 1694. — the Ship Mary & Ellery of Tops[haln] Tho: Carpenter Mr tryed at a Generall Court & acquitted by ye Jury.

Maryland. June 2. 1692. — The Ship providence of London William Mallery Mr and the Bark Catharine of Londonderry Andrew Crookſhanks Mr both tryed at a Speciall Court & acquitted.

June 19. 1694. — the Ship Ann of Maryland John Blackmore Mr Tryed at a Speciall Court & acquitted by Proclamation.

November 6. — the ſame ſhip Tryed then at a provinciall Court in St Maryes & acquitted.

May 21. 1695. — the Judgment of the provinciall Court in that cauſe was upon appeale to the Govr & Councill was reverſed & a new Tryall ordered.

Pensilvania. April 30. — the Briganteen Dolphin of N: Engd John Linſey & William Trout, Maſters: William Orr a Scotchman

Scotchman Merc: & part Owner: tryed at Chester in pensilvania & acquitted: & the prosecutor imprisoned for damages.

vide Tryall of Clarke ye Collector by the Govr & Councill against Goods from Carasaw.

Quer: wheither the Govr of Our plantation can qualifye a forainer by his Naturalization to trade to another plantation as Master Merchant or Mariner.

From all which I represented to the Comm^rs of his Maties Customs: That the illegall Trade in the plantations was Supported & Encouraged By the Generall partiality of Courts & Juryes (byassed by private Interest) in Causes relating to the Crown.

[*Endorsed*] List of vessells tried & cleered by Juryes in Virginia etc:
Presented to the Board by m^r Randolph
July the 31th 1696.

Randolph's further Proposals about Attorney Gen^ls in Provinces.

State Papers, Board of Trade, Plantations Genl, Vol. 4, p. 113. 25 Aug. 1696.

To the Right Honble the Lords & Others the Com^rs for Trade.

May it pleas Your Lordships.

Having in my paper of Proposalls to the Com^rs of his Maties Customs, for the better putting in Execution the Act for

for preventing frauds &c. (a Copy whereof I prefented to Y^r^ Lordfhips) Offerd, that there be a Iudge, a Regifter a Marfhall & an Attorny Generall Apointed in all the Colonies & Provinces upon the Continent of America, I was directed by their Hon^rs^ to nominate perfons fitt for thofe Employments: And Accordingly I did in another paper (now before Y^r^ Lordfhips) give in the Names of Severall Such perfons: Not but that there were Attorny Gen^lls^ in divers of thofe places, But in regard (as I informd the Com^rs^) fom of them are wholly Ignorant of the Laws & practice in the Courts of England, & others Countenanced the Illegall Trade, So, that Untill they were removd & perfons underftanding & well experiencd in the proceedings at Law, be recommended to Such places, it coud not be expected, That the Acts for Securing the Plantacons-Trade, Shoud be Executed & Obfervd, I do therfore humbly lay before Y^r^ Lordfhips, an Account of the prefent Attorny Gen^lls^ in thofe Colonies & Provinces, & my Reafons, why Some of them Shoud be removd, & others to be Appointed in their Roomes.

Bermudas. Nicholas Trott ju^r^ is the prefent Attorny Gen^ll^ of thofe Iflands, & (as I am informd) a perfon fitt to be Continu'd.

South Carolina. Ionathan Armory: I am likewife informd, that he is the prefent Attorny Gen^ll^ & fitt for that Office.

North Carolina has no Attorny Generall.

Bahama Iflands, I hear the fame likewife of Iohn Graies (now in England.)

Virginia: Edward Chilton was made the Attorny Gen^ll^ of Virginia, by Co^ll^. Nichollfon then Liev^nt^ Govr of that Colony,

Colony, about the Year 1690: & was continud by Sr Edmond Androſs, who Succeeded in the Governm̃t: but m^r Chilton having leave from Sr Edmond, to come for England, William Randolph, (brought up in that Country) was then made the Attorny Gen^ll but he is wholy unacquainted with the Laws & practice in the Courts in England, & for that Reaſon only, I propoſd m^r Chilton, a Bariſter at Law, well known & Approvd of, by Many Eminent Lawyers, for his Knowledge in the Law.

Maryland. Edward Winn, a Bariſter at Law, was made Attorny Gen^ll of Maryland, by Col^ll Copley, then Govr of that province: Upon Wins death, George Plater, then Collector of the Cuſtoms in Patuxẽ obtaind the favour of Col^ll Copley, to Succeed in that Office (the Lawyers in the province, who know any thing of the Laws of England being Papiſts) There was about the Year 1693 a Combination between New England men, Scotch men & others, to cary on an illegall Trade from Mary land, directly to Scotland, & to other places prohibited, Sett on foot, not without the knowledge of Col^ll Copley & Nehemiah Blakiſton, late Collector of Potomack diſtrict, & afterwards, promoted by George Plater (for Som time Collector in Pottomak) & in the Year 1694 he Cleerd 8 Veſſells out of Potomack & patuxe^nt diſtricts, which carryd their tobacco to Scottland directly. Plater being the Attorney Gen^ll Cõnived at Thomas Ely Maſter of the Brigantine Thomas & Mary of Maryland, who has forfeited his plantacõn Bond, given the 20th of Aprill 1692, & Cleerd him out another Voyage to Sea, but proſecuted to the Extremity Richard Smith, bound with Ely in that Bond,

Bond, upon Elys forfeiture thereof (as was pretended by Plater).

Plater Enterd a Non pros at a provincial Court holden at S: Mary's, the firſt day of May 1694 in favour of francis ffreeman & John Scott, bound with John Laird Maſter of the Ship William & John of Belfaſt, being proſecuted at his Majeſties Suite, upon the forfeiture of that Bond, for carrying 150 hogſheads of Tobacco to Scottland directly. Hee likewiſe refuſ'd, to proſecute other Securities upon forfeited Bonds, when I (purſuant to my Inſtructions from the Com: of his Maties Cuſtoms) required him to put them in ſuite, & proſecuted for his fees.

Penſilvania. David Koid, a Quaker, is the Attorny Gen^ll^ for the Province, he refuſed me, to put ſeverall forfeited Plantacon Bonds in Suite, ſaying he was Attorny Gen^ll^ for the Province only. I therefore Comitted them to the care of Robert Webb, the preſent Collector, to proſecute upon.

Eaſt & Weſt Ierſy, have no Attorny Generall.

New York. Iames Graham, was by his preſent Maties letter to Col^l^ Slater Govr of that province, Recomended to be the Attorny Generall there, & was accordingly made So, & continues in that Office.

The Colonies of Road Iſland & Connecticott, have no Attornys Generall.

Province of the Maſſathuſetts Bay. } Thomas Newton, a perſon well known in the practice in the Courts in England & New England, was made the Attorny Gen^ll^ of that province by Sr William Phips, the late Govr but (as I am informd) upon his vigorous proſecuting Offenders, againſt

againſt the Acts of Trade, he was put out, & Anthony Checkley a man ignorant in the Laws of England, & one that has bin (if not Still) an illegall Trader, was apointed by the Governm^t in his Room, but in regard m^r Brenton the Collector of his Majeſties Cuſtoms in that Province, is in England, I humbly reffer your Lordſhips, to his more particuler Account in this Matter.

New Hampſhire has no Attorny Generall.

'Tis my only deſigne in this, & all other my publick Services, That his Maties Intereſt & the Acts of Trade, may be inviolably Maintaind & Supported in all his Majeſties plantacons, by all perſons Concernd.

All which is humbly ſubmitted

by EdRandolph.

Augt 25th
1696.

[*Annexed*] Edward Chilton	Virginia North Carolina to be joined to it Maryland Penſilvania Weſt Jerſey to be joined to it.
Ionathan Armory.	South Carolina
James Graham	New Yorke Eaſt Jerſey & Connecticut to be joined to it.
Thomas Newton	Maſſachuſet's Bay Rhode Iſland & N : Hampſhire to be joined to it.
John Graves —	Bahama Iſlands.
Nic° Trott jun^r	Bermudas.

This Extract I agreed with Mr Randolph. W. P.

[*Endorſed*] Mr Randolph's further Memorial about Atturneys Genl in the ſeveral Plantations, dated the 25th Augt 1696.
Read the 31th Augt 1696.

To

To their Excellencyes the Lords Justices.

Colonial Records of North Carolina, Vol. I. p. 403.

May it pleaſe your Exc^ys

In obedience to your Ex^cys Order of the 23^d of July laſt annexed to an Extract of a Preſentment from the Com^rs of the Cuſtoms, Wee humbly repreſent to your Ex^cys that in our opinion the conſtituting Attorneys General in each reſpective Plantation as moved for, by the Comm^rs of the Cuſtoms will be conducing to the ends by them propoſed; and that therefore in order to the putting of that deſign in execution, Wee have adviſed with Mr Edward Randolph Surveyor Generall of his Maj^ties Cuſtomes in the Continent of America and are by him informed [then follow the names of perſons propoſed by Mr Randolph]. . . .

J. Bridgewater, Ph. Meadows
John Pollexfen, John Locke.
Abr. Hill.

Whitehall September the 7th 1696.

Papers relating to the appointment of law officers in the American Colonies.

Maſſachuſetts Hiſtorical Society Collections, Fifth Series, Vol. VIII p. [illegible]

Mr. Attorny Gen^lls Summons.

Inner Temple 13 Oct 1696.

Whereas, vpon readeing a repreſentation of ye Comitte of Trade, concerning attorneys gen^l to be apointed in his Majeſtyes plantations in America, it was ordered by ye late

Lords Juſtices in Councill that it be referred to me to conſider whether an attorny gen^{ll} may not be apointed for his Majeſty in each of y^{e} ſeverall colonyes & provinces of Carolina, Penſiluania, Eaſt & Weſt Jerſy, Conecticot, Rhode Iſland, & ye Mattathuſets Bay in America, notwithſtanding ye grants & charters to y^{e} ſ^{d} colonyes & provinces, & to report my opinion there upon. Let, therefore, ye proprietors of y^{e} ſ^{d} colonyes & provinces, or their agents, attend me if they think fit with ye grants & charters of y^{e} ſ^{d} colonyes & provinces on Monday next, being ye 19 of this inſtant October, at 5 o'clock, in ye afternoone, in order to ye makeing my ſaid report.

T. Treuor.

1. Petition. *To the Kings moſt Excellent Majeſtye.*

The humble petition of ye Lords & others the proprietors & agents of Carolina, the Bohama Iſlands, Penſiluania, Eaſt & Weſt Jerſeyes, & Conecticot, in America,

Sheweth:

That by ſumons from Mr Attorny Gen^{ll}, dated the 13th of October laſt, your petitioners receiued intimation of reference from ye late Lords Juſtices to him to conſider and report whither an attorny gen^{ll} might not be apointed for y^{r} Majeſty in ye 1^{d} ſeverall provinces, notwithſtanding their grants & charters. That upon y^{r} petitioners attending y^{e} ſ^{d} attorny gen^{ll}, a paper anexed to y^{e} ſ^{d} order of reference, purporting a repreſentation to y^{e} ſ^{d} Lords Juſtices from ye Councill of Trade was read, wherein is ſuggeſted that ſome complaints haue been lately made to ye comiſſioners of y^{r} Majeſtyes cuſtomes & to y^{e} ſ^{d} Councill of Trade by one

Edwd

Edwd. Randolph that diuers irregularityes haue been lately comitted in y^e ſaid provinces contrary to ye acts of nauigation & to y^r Majeſtyes prejudice, & that ye perſons whom y^r petitioners haue (as they are aduiſed they lawfully might doe) conſtituted attornyes gen^ll in y^e ſ^d. provinces, are quallifyed for their ſeuerall imployments; and foraſmuch as y^r petitioners haue been allwayes carefull to apoint officers in y^e ſ^d. prouinces well affected to y^r Majeſtyes gouernm^t & intereſt, & quallifyed for their offices & imployments, & y^t y^e ſ^d. repreſentation is (as y^r petitioners conceiue) ye reaſon and ground of y^e ſ^d. reference, & y^t y^e ſuggeſtions in y^e ſaid repreſentation doe not only affect ye perſons therein named, but in conſequence, y^r petitioners, & that y^r petitioners till their attendance on Mr. Attorny Gen^ll. had noe notice of y^e ſ^d. complaints & repreſentation, or the contents of it, & ſoe noe oportunety to rectify or cleare ſome miſinformations giuen to y^r Majeſtyes ſaid commiſſioners & Councill of Trade, yor petitioners, therefore, moſt humbly pray that they may haue a copy of y^e ſ^d repreſentation, & that y^r petitioners may be heard, & ye truth & reaſon of y^e ſ^d complaints farther & more clerely examined before Mr. Attorny Gen^ll. ſhall make his report in ye matter referred to him, &c., and yor. petitioners ſhall pray, &c. Crauen: Aſhley: Wm Pen, Michaell Watts, Obadiah Burnet, J: Winthrop, Dan^el Cox, Tho: Amey, Tho: Lane, Fran: Minſhull.

2 Petition. *To the Kings moſt Excellent Majeſty.*

The humble petition of ye Lords & others, ye proprietors & agents of Carolina, ye Bohama Iſlands, Penſiluania, Eaſt & Weſt Jerſeyes, & Conecticot in America,

Sheweth:

Sheweth: That by their petition lately preſented to y^{r} Majeſty y^{r} petitioners ſet forth that ye late Lords Juſtices had vpon a repreſentation to you made from ye comitte of trade ordered Mr. Attorny Gen^{ll} to concider & report whither attornyes gen^{ll} might not be apointed for y^{r} Majeſty in y^{e} ſ^{d} prouinces notwithſtanding y^{e} ſeverall charters; & y^{t} upon y^{r} petitioners attending Mr. Attorny Gen^{ll}, y^{e} ſ^{d} order & a copy of y^{e} ſ^{d} repreſentation thereunto anexed from ye Councill of Tráde to y^{e} ſ^{d} Lords Juſtices was read to y^{r} petitioners, expreſſing that complaints had been made by one Edwd Randolph of diuers irregularityes lately comitted in y^{e} ſ^{d} prouinces contrary to ye acts of navigation & to y^{r} Majeſtyes intreſt, and y^{t} ye attornyes gen^{ll}, whom y^{r} petitioners had by virtue of y^{e} ſ^{d} charters there conſtituted for y^{r} Majeſtyes ſeruice had not diſcharged their truſts, & y^{t} y^{r} petitioners did therefore humbly pray they might haue a copy of y^{e} ſ^{d} repreſentation, & y^{t} y^{r} petitioners might be heard, & ye truth & ground of y ſ^{d} complaints farther & more clerely examined, before Mr. Attorny ſhould make his report. That y^{r} Majeſty was there vpon gratiouſly pleaſed by order in councill dated ye 5th of this inſtant to refer ye conſideration of y^{e} ſ^{d} petition to y^{e} ſ^{d} Councill of Trade, & y^{t} y^{r} petitioners did humbly conceiue y^{t} y^{r} petition was granted, & y^{t} accordingly they ſhould have a copy of y^{e} ſ^{d} repreſentation. That y^{r} petitioners have ſince attended y^{e} ſ^{d} Councill of Trade & deſired a copy of y^{e} ſ^{d} repreſentation, but cannot obtaine y^{e} ſame. Foraſmuch, therefore, as y^{r} petitioners haue been ever carefull to appoint officers in y^{e} ſ^{d} provinces well affected to y^{r} Majeſtyes intreſt & governm^{t} & quallifyed for their offices & imployments, and y^{t} y^{e} ſ^{d} complaints perticulerly relate to

ſeuerall

ſeuerall perſons now in y^{e} ſ^{d} provinces who were put into y^{r} imployments by y^{r} petitioners, & y^{t} y^{e} ſ^{d} perſons nor any concerned for y^{m} cannot vindicate y^{m} from y^{e} ſ^{d} complaints without a copy of y^{e} ſ^{d} repreſentation, wch contains matter of charge againſt y^{m}, y^{r} petitioners moſt humbly pray y^{t} y^{r} Majeſty woold gratiouſly pleaſe to order y^{t} y^{r} petitioners may have a copy of y^{e} ſ^{d} repreſentation, & y^{t} they may be fully heard by y^{r} Councill as to what y^{r} petitioners ſhall be aduiſed to offer by way of anſwere, defence or otherwiſe, to y^{e} ſ^{d} repreſentation, & y^{t} in ye meane tyme an order may be directed to Mr. Attorny Gen^{ll}. to ſtay ye makeing his report in ye matter referred to him; & y^{r} petitioners as in duty bound ſhall ever pray, &c. Signed as the other.

To ye Right Honble ye Councill of Trade.

The Lords, proprietors, agents, & others of ye prouinces of Carolina, Penſiluania, Eaſt and Weſt Jerſy, and Conecticot in America,

Proteſting their loyallty & duty to his Majeſty, & reſerueing ye benefit of being heard by you ſelues or councill to ye right & power of erecting courts of admirallty in y^{e} ſ^{d} provinces, *Doe offer:* That there are ſeuerall clauſes in y^{r} reſpective grants & charters, wch as they are aduiſed import & imply a ground of admirall juriſdiction & power of erecting y^{e} ſ^{d} courts & conſtituteing judges & officers thereof in y^{e} ſ^{d} prouinces.

That ye reaſon why they haue not hitherto erected ſuch courts, or conſtituted ſuch officers, is y^{t} all ſuites or informations vpon & for breach of y^{e} ſeverall acts of navigation may, as appeares by y^{e} ſ^{d} acts, & perticulerly ye 15th of Charles 2^{d}, be brought

brought & profecuted in ye comon law courts, & y^t ye erecting courts of admiralty woold haue occationed falleryes & other great & expenfive charges.

That they apprehended there was noe neceffity of fuch courts unles for ye condemnation of prizes, few or none of which haue been brought into ye f^d prouinces during this war in order to be tryed & condemned.

That ye f^d proprietors neuer ye les are willing & ready to erect fuch courts & conftitute fuch officers as fhall be well affected to his Majeftyes gouernm^t, carefull of his intreft, vfe their outmoft endeuoures to enforce an obfervance of ye f^d acts of nauigation, & zelouffly profecute fuch veffells & perfons as fhall be guilty of ye breach of y^m.

All wch is humbly fubmitted.

Randolph's Memorial concerning Attorneys Genl.

State Papers, Board of Trade, Plantations General, Vol. 4, p. 158. 30 Oct. 1696.

To the Right Honble the Comm^rs for Trade.

Their Excellencyes the late Lords Juftices hauing received a Reprefentation from y^r Hon^rs Concerning Atturneys Gen^ll to be appointed in his Maties plantations in America: were pleafed by their Order in Councill of the 30th of Sep^t paft, to referr to Mr Atturney Gen^ll to confider, whether an Atturney Gen^ll may not be appointed for his Matie in each of the Severall Colonyes & Provinces of Carolina pennfilvania etc: notwithftanding their Grants and Charters & to Report his Opinion there vpon.

Two Men of Warr are ordered for Virginia & Maryland and

and will Sayle in a ſhort tyme: vpon which the Officers of his Maties Cuſtoms to be ſent to thoſe proprietyes & other places where they are much wanted may haue a ſafe & ſpeedy paſſage.

It's humbly propoſed, That Mr Atturney Gen^{ll} may be deſired to make his report therevpon to the End Cauſes ariſing vpon the Breach of the Acts of Trade may be proſecuted by Atturneys Gen^{ll} appointed by his Matie in the Courts of Admiralty, to be erected in the ſeverall proprietyes as in the Act for preventing frauds and Regulating Abuſes in the Plantation Trade is Enacted Otherwiſe that Act & All other the Acts made for ſecuring that Trade will be of no Effect.

All which is humbly ſubmitted

by EdRandolph.

[*Endorſed*] Mr Randolph's Memorial ſolliciting the Diſpatch of the Att^{ny} Gen^{ll}'s Report upon a Repreſent^{n} about Att^{ny} Genl in ye Plantations. Read 30th Octob^{r} 1696.

MEMORIAL OF EDWARD RANDOLPH, SECRETARY, &C. TO THE COMMISSIONERS OF HIS MAJESTY'S CUSTOMS, ON ILLEGAL TRADE IN THE PROPRIETIES.

New Jerſey Archives, Firſt Series, Vol. II. p. 116. 10 November 1696.

To the Honble the Com^{ns} of his Majeſty's Cuſtoms.

May it pleaſe your Hon^{rs}

Your Hon^{rs} were pleaſ'd in your preſentment of the 17th of July paſt, to the Right Honble the Lords Com^{ns} of his Mat^{ies} Treaſury to repreſent, That it hath bin found by Experience, either thro' Remiſſneſs or Connivance of the Gov^{rs} of

of the Severall Colonies & plantac'ons which are under diſtinct proprietys, The Acts of Trade & Navigac'on, & Your Hon^r Orders & Inſtruc'ons in purſuance thereof, have not bin Obſervd, as in other Colonies and plantac'ons, which are under Gov^rs Nominated & Appointed by his Ma'tys immediate Commiſſion, & did therefore humbly Move their Lordſhips, That the reſpective Gov^rs of the S^d Proprieties, may be perſons of good Eſtate & Reputac'on, & otherwiſe duly qualifyd for the diſcharge of their Truſts, being by a Claus in the aforef'd Act for preventing ffrauds & regulating Abuſes in the Plantac'on Trade to be Allowd & Approvd by his Ma'ty, his Heirs & Succeſſ^rs & Obliged to take the Oaths Enjoyned by That, or by any Other Act, to be taken by the Gov^rs or Command^rs in Chiefe, in Other his Ma'tys Colonies & plantac'ons, before their Entrance into their reſpective Governments under the like penalties, which his Ma'tys Gov^rs & Command^rs in Chief, are by the S^d Acts lyable too.

Notwithſtanding the Owners of the proprieties upon the Continent of America & Iſlands Adjacent, take no Notice thereof, but Omit to Nominate fitt perſons, to be Allowd & Approvd by his Ma'ty in Councill before their Entrance on their reſpective Governm^ts from whence it follows, That, whilſt the principles Omit their Obligac'ons at home, it cannot be expected, Their Deputies will doe their Duties in the plantac'ons, So that allth'o purſuant to the S^d Act, the Officers of the Cuſtoms, the Judges & other Officers in the Courts of Admiralty, the Attorneys Gen^ll & the Commiſſions under the Great Scale, for Adminiſtring the Oaths to the reſpective Gov^rs in the S^d Colonies & Plantac'ons, are Appointed

and

and prepard ready for diſpatch, nevertheleſs, the Gov^rs & other publick Miniſters in the proprieties, are continued in their Offices & places & no care taken, to Appoint others in their Stead, tho they Maintain & Support the illegall Traders as much as ever: It cannot therefore be expected, that the frauds & Abuſes in the plantac'on Trade, So long practiſ'd & So often Complaind of, can be prevented until perſons of Good Eſtates & Reputac'on, & Otherwiſe duly qualified for the diſcharge of their Truſts, be firſt Allowd & Approvd by his Ma'ty &c: to be the Gov^rs of thoſe proprieties, according to the S^d Act, otherwiſe it is to no purpoſe, nor will it countervaile the Charge, to ſend over officers & Maintain them, to put the Acts of Trade in Execuc'on, in Virginia & other places, under his Ma'tys immediate Authority, So long as the Governours, for the Proprietors, take upon them, a power to diſpence with the open Breach of the Acts of Trade, & thereby keep their ports open to illegal Traders, whilſt others are barrd up by oaths & Strict penalties, which muſt needs Occaſion the dreining & Soon depopulating his Ma'tys Own plantac'ons, by the peoples Enjoying an Extraordinary liberty, in a Gen^ll Trade & Conſtant benefit, by Pyrates & the Scotch Trade in the proprieties and private Charters.

The Cheife end of Granting thoſe Vaſt Tracts of Land (now called proprietys) to Noble Men & Others, was doubtleſs to Encourage the firſt Undertakers to plant and Improve them, for the Benefit of the Crown, & to be always Subject & depending on England, & Conformable to the Laws thereof. Great Numbers of people, are now Seated in Some of theſe proprieties, but have bin long Endeavor-

 ing

ing to breake loos & ſet up for themſelves, having no Sort of Regard to the Acts of Trade & diſcountenancing Appeales from their Courts, to his Ma'ty in Councill. The perſons Appointed by the proprietors, to be their Gov.ⁿ are generally Men, of very indifferent qualificac'ons for parts & Eſtates; Their Maintainance, is Inconſiderable, which renders their Govern.ⁿ Precarious alſo. They have power only (like Civill Magiſtrates, in petty Corporac'ons in England) to Make Municipall Laws, with conſent of the people, for their quiet & peaceable Government, But are indeed Stewards only & overſeers, accountable & always lyable, to be turned out at the pleaſure of thoſe who imploy them: So that it cannot be preſumd, that Gov.ⁿ made by the proprietors, only as Such are impowered or in any wiſe concernd to put in Execucon, the Acts of Trade in their Governments, But on the Contrary.

I am humbly of Opynion that twill be Judgd a high Miſdemenour, in any of them to attempt it, untill they are firſt qualified as by the Sᵈ Act for preventing ffrauds, is directed: the proprietors themſelves have no Such power, nor can have Granted them by their Patents.

I humbly lay before your Hon.ⁿ an Acct of the preſent Gov.ⁿ of the proprieties, & of their Qualificac'ons, in Relation to the Acts of Trade.

Bahama Iſlands: mr Nicholas Trott is the preſent Gov.r, theſe Ilands have been & ſtill are, a common retreat for pyrates & illegall Traders: Cadwallader Jones, the late Gov.r under pretence of A power to make all Officers, Made One Boulton, Collector of the Cuſtoms: he Enterd & Cleerd Veſſels, according as the Gov.r & he pleaſd. In the year 1693:

1693: Thomas Carter Maſter of the Ship Bridge Town of Barbados, richly laden from Jamaica to London, run the ſhip willfully aground upon the Iſlands: the Maſter & Saylors divided the Money & the beſt of her loading, the Govr made his Advantage by it; all Appeales lye from their Courts, to the Lords-proprietors in England.

Carolina: m^r John Archdale, a Quaker, is deputed Govr by the Lords proprietors (as I am informed) during his Sons Minority, who is one of the Lords proprietors; the cheife Town for Trade, is Charles Town, free to all, from all places. They trade to Caraſaw from whence the Manufacture of Holland is brought to Charles Town, & carryd by New England men & other illegall Traders, to Penſilvania Boſton &c: Returns are made for them in plantac'on Commodities, which are carryd from Carolina to Caraſaw & thence to Holland. About 3 years agoe 70 Pyrates having run away with a Veſſell from Jamaica, came to Charles Town, bringing with them a Vaſt quantity of Gold from the Red Sea; they were Entertained & had liberty to ſtay or goe to any other place: the Veſſel was Seiz^d by the Govr for the proprietors as a Wreck & Sold they have no regard to the Acts of Trade. The preſent Govr is a favourer of the illegall Trade, having given his permit to the Maſ^r of a ffarraigne Veſſell to trade takeing no Notice of m^r Guerard, Appointed the Collector by your Hon^rs Deputac'on as by a Copy of the Gov^rs permit N^o., appears; all appeales are likewiſe from the Courts in this province, to the Lords proprietors in England.

North Carolina, has 60 or 70 Scatterd families, but under no regular Governm^t, One Jarvis was appointed the Govr

Govr by Coll. Ludwell then Govr of all Carolina, he had no Sallery. The Inlet of Currituck, lies conveniently, for carrying away the Tob[acco], made in the Southern parts of Virginia: The Inlett of Roanoake, is frequented, with Small Veſſels Trading to & from the Weſt India Iſlands. Pyrates & runaway Servants, reſort to this place from Virginia &c.

Pennſilvania, m^r Wm Markham is the preſent Govr Sam^ll Carpenter & Jo^n Goodſon (both Quakers) were Joind in the Government with him, but they refuſed to Act. The Acts of Trade (what ever they pretend) are not Obſerved here: a plain diſcovery has bin made of Nine Veſſells loaden with Tob.[acco]: which have from the year 1690: to the year 95: gone directly from this province to Scotland (beſides Guſtavus Hamilton the chiefe ffactor for the Scotch Merch^ts) who laſt year carryed out of Delaware, 300 hhds of Tob: without Cleering, as allſo, other Veſſells from the Same place, went with tob: to Scotland, as Appears by letters from your Hon^rs Agent in that Kingdome. The Brigantine W^m & Mary (calld the New Caſtle Brigantine) when in Auguſt 1694, Shee Cleerd out from Penſilvania for England) Wm Righton maſ^r & Maurice Trent a Scotchman, An Old tranſgreſſor Merchant (One of her Owners lives in London) imported into Penſilvania a great quantity of Scotch Goods, and was Admitted to an Entry in the year 1695: By the Collector in Penſilvania: She was afterwards Seizd in Weſt Jerſey by Cap^n Meech, Appointed by Coll: Nicholſon, purſuant to her late Sacred Ma'tys Order in Councill, of the 9th of Auguſt 1694: He Seizd allſo, another Veſſell, called the Mill Everett Johnſon Maſ^r from Some port in Norway (as Ime informed) loaden with Wine & European Goods, having

ing no Cleering, from any port in England. The maſt confeſſed himſelf to be a Dutchman as appeard by Capt. Meeches Journall No. her Tryall was put of, the Maſt being gone to New Yorke, & afterwards Suſpended, till further Orders from England. The Gov.r Entertains Severall pyrates, from the Red & South Seas, who carry on an illegall Trade to Caraſaw, & other prohibited places; It appears by a Copy of m.r Markhams letter to me No. that he has but a Small Maintainance, deſireing me to make him Colle.r of the Cuſtoms in Penſilvania by which your Hon.rs may pleaſe to take Notice, that Gov.rs under Such Neceſſities, will be eaſily tempted to doe & Connive at Unlawfull things. The Charge to maintain Officers of the Cuſtoms in that Province, together with a Veſſell of about 40 Tuns, & men Sufficient to Cruiſe upon the Coaſt thereof, as by her late Sacred Ma'tys Order in Councill, Coll Nicholſon is directed to provide, will amount to above 2000 lb: a year, to prevent the illegall Trade in Penſilvania & the Shipping of tob: brought over land from Maryland to Deleware Bay which not withſtanding will be carryd on, untill there be Such a Regulac'on in the Governm.t of That province, as by the S.d Act for preventing frauds &c: is Enacted. Penſilvania lies in the Center between Maryland & New York, moſt Commodiouſly, to carry on all illegall Trade, and that place will Soon become A Staple of all European & Plantac'on Commodities.

Eaſt & Weſt Jerſeys: m.r Andrew Hamilton, a Scotch man, is the Gov.r of thoſe Provinces; Appointed by the Proprietors to Leas out their Lands & receive their Quit Rents; He is a great favourer of the Scotch Traders, his Countrymen, & would not allow of Capt. Meeches power, when he had

had Seizd the Brigantine Wm & Mary Wm Righton Mast, the Govr Sate Judge in Court, the Vessell was favoured upon the Mastr Setting forth in his petic'on that the ffrench met him at sea, & took away his Cognets [Coquets], She is Since gone to Barbados: Patrick Robinson a Scotchman, the Secretary & David Loyd, the Attorney Genl in Pensilvania, went to the Court, in West Jersey, to Defend the Vessell against the Prosecutors for his Ma'ty.

Connecticott in New England, Coll. Robt: Trent [Treat] is the present Govr of that Colony granted to the Inhabitants by Charter, to have a Govr Annually Chosen with Power, to Purchase & Sell Lands: The Inhabitants, are generally husband men & Planters. The Govr permitted a vessell from Holland, under pretence of Wanting Wood and water, to come into New Haven where she Unliverd great parts of her loading, which was carryd to New Yorke, & having taken horses aboard, Saild with the Remainder of her Goods to Barbados. Thomas ffisher, Mastr of the Brigantine Adventure of London, imported about December 1691: a very great Cargoe of Scotch goods at New London, in that Colony, they were seizd by mr Brenton, the Collecr he thought it most Advisable, to Admit Gustavus Hamilton to a Composition (which he willingly agreed to) than Submit the Cause, to a Tryall, in that Colony.

Road Island. Caleb Carr was late Govr of that & providence plantac'on, granted by Charter allso, tis become a free port to illegall Traders, & Pyrates from all places. Tho: Tew A Pyrate, came thither from the Red Sea, in the year 1694 and brought with him £10 000: in Gold & Silver, — he Shard £12000: for himself & his sloop, the people are Enriched

Enriched by them. Tis neceſſary That place, be taken care off & put under a Regular Governm^{t}, the preſent pretenders to Govern, being either Quakers or Annabaptiſts.

Province of New Hampſhire: m^{r} Wm Partridge, being Nominated by m^{r} Sam^{ll} Allen, the preſent proprietor, is Allowed of by his Ma'ty & Made the Deputy Govr of that Province.

Province of the Maſſachuſetts Bay. Tho' his Ma'ty has the Appointing, the Govr of that Province, yet the illegall Trade is carryd on, as much as ever, to Scotland, Holland, ffrance &c: for want of a Govern^{r} to Suppreſs that Trade, & to Support and countenance the Officers of the Cuſtoms, in the Execuc'on of their Duties. m^{r} Wm Stoughton, is the Liev^{nt} Govr, he is a good Schollar, but not bred up to Military Diſcipline. The country lying open, is expoſed to the fury of the ffrench & Indians, when ever they pleas to Attacq them. They have in their Laws hitherto Made no proviſion for a Gov^{rs} Maintenance, as is done in all Other, his Ma'tys Governm^{ts} & was likewiſe in that Province for their former Gov^{rs} on purpoſe to diſcourage men of Hono^{r} & abilities, to live amongſt them; but what ever it Coſts, That Country, & the Trade thereof, ought to be taken care off.

Now from what has bin herein humbly Offerd, it cannot reaſonably, be imagined that the Proprietors Gov^{rs} are perſons qualified or fit, to be Entruſted with the Conduct & Execuc'on of the principall powers, repoſed by thoſe Acts, only in the Gov^{rs} & Command^{rs} in Chiefe, in the Plantac'ons, under his Ma'tys immediate Authority; So that if the proprietors & owners of thoſe Lands, refuſe to Conform to the Rules & Methods preſcribed them, in the S^{d} Act for preventing

ing ffrauds &c: Its humbly propoſed, that they Should be obliged, to accept of Such Regulac'on in Government, in reference to Trade as his Ma'ty Shall think neceſſary to make; which will in n° wiſe Invade their Juſt Rights & proprieties in thoſe Lands, nor hinder them from Imploying their agents & ffactors, to take Care & diſpoſe of their Eſtates, & to receive the Rents & profits ariſing from them.

The Lord Baltamore, the Proprietor of the Province of Maryland, m^r Samuell Allen, the Proprietor of the Province of New Hampſhire & the Inhabitants in the Province of the Maſſachuſets Bay, have all their Rights & properties entirely Securd to them, in their reſpective Proprieties. They have their Agents & Attorneys upon the place, to Manage their affairs with all ffredom tho' att the Same time, the Gov^rs of all thoſe provinces, are appointed by his Ma'tys immediate Commiſſion.

All which is humbly Submitted by Etc:

ED RANDOLPH Secy.

November 10th 1696.

MEMORIAL OF EDWARD RANDOLPH TO THE LORDS OF TRADE, DESIRING LEAVE TO PROVE THE ALLEGATIONS IN HIS FORMER MEMORIAL.

New Jerſey Archives, Firſt Series, Vol. II. p. 131. [9 December 1696]

To the Right Honble the Lords Comm^rs for Trade.

May it pleaſe yor Lordſ^ppe

Underſtanding from my M^ll [?] the Comm^rs of the Cuſtoms That my Memoriall concerning the Gou^rs of the Proprietyes is referred to y^r Lordſ^ppe and in regard his Maties affairs

affairs relating to Trade do greately ſuffer in the plantations thro' my abſence, where my ſervices is [are] abſolutely neceſſary to ſee the Acts of Trade and Navigation, eſpecially relating to the Scotch Act duely executed. I am humbly attending y^r Lordſ^ppe with my proofes to make out the particulars in my memoriall in order to have my diſpatches compleated So that I may be in a readines (with the New Officers of the Cuſtoms) to take my paſſage upon the Shipps ſhortly bound to the plantations on the Continent of America:

All which is humbly ſubmitted by

ED. RANDOLPH

RANDOLPH'S LIST OF NAMES FOR ADVOCATES, &C.

State Papers, Board of Trade, Plantations General, Vol. 4, p. 300-7. 3 & 4 March 1696.

S^r

I received your Letter of the 2^d Inſtant concerning the Names of fitt perſons for the Adm^ty Courts propoſed to be erected in his Maties Plantacons, And having layd y^e ſame before the Board I am Comanded to Acquaint you That the Comm^rs Preſentm^t to the Lords of the Treary which the Right Honble the Lords Comm^rs of the Council of Trade in their Letter of the 24 ffeb^ry laſt ſeem to referr unto, Related only to the Plantacons on the Continent of America And the Bahama Iſlands wch were under Mr Randolphs viſitacon from whom The Comm^rs tooke the Informations & Characters of perſons fitt to be Imployed in the Adm^ty Courts there to be erected.

And the Comm^rs will by the beſt means they can Inform themſelues

themſelues of fitt Perſons for the ſeverall Imployments in the Adm^ty Courts to be erected in Jamaica and the other Iſlands, if not already ſupplyed, And forthwith Lay the ſame before their Lordſ^ps, In the mean time I doe by their Order herewith Tranſmitt to you a Liſt of Perſons who (by the Character given of them by the Aforeſaid Mr Randolph) ſeem fittly quallifyed for Attorneys Gener^ll & Advocates in thoſe Plantac̃ons on the Continent And the Bahama Iſlands for wch they haue already Nominated the other Officers, wth which you will pleaſe to Acquaint their Lordſ^ps.

I am S^r

Yo^r Moſt humble Servt

Cuſtom Houſe London
3 March 1696

In^o Sansom.

Mr Popple.

The Names of perſons to be appointed Attorneys General and Advocates in the Courts of Admiralty to be Erected in the Colonies and Provinces on the Continent of America & Iſlands Adjacent.

Names of places where officers are wanting.	
Virginia & North Carolina	Edward Chilton Bariſter at Law, and Late Attorney Genl in Virgin^a — Attorney Genl and Advocate.
MaryLand & the 3 Lower Countys	Edward Chilton Attorney Genl & advocate.
Eaſt & Weſt Jerzey The Colony of Conneticot & New York.	James Graham the preſent Attorney Genl To be Advocate alſo.

Province

Province of the Maſſachuſets bay in New England & New Hampſhire	**Thom^s^. Newton Attorney General & advocate.**
Road Iſland	— Thom^s^ Newton Attorney Genl. & advocate.
Carolina	— Jonathan Armory Attorney Genl. & advocate.
Bermudas	— Nicholas Trott Attorney Genl. & advocate.
Bahama Iſlands	— John Leighton Attorney Genl.

It is humbly propoſed for his Ma^ts^ Service That the ſame perſon be the Attorney General for his Ma^ty^ in all pleas of the Crowne, And alſo the Advocate in the Courts of Admiralty to Try the ſeizures made of Goods & Veſſells for Breach of the Acts of Trade, And all Plantacon Bonds Forfeited — And alſo all Prizes taken at ſea &c^a^

The Governours of the Plantacons under his Ma^ts^ Immediate Authority, To have Power by Commiſſion from his Ma^ty^ to appoint Perſons to Supply the Vacancy of Judges Regiſters and Marſhalls, and alſo Attorneys General, and Advocates upon the Removal or Death of any of the preſent officers who are thereby Impower'd to Act in their ſeverall places and offices, untill his Ma^ts^ pleaſure be further knowne.

The Attorneys Generall are made by warrant under the Privy Seale or Great Seale, The Advocates by Warr^t^ from the R^t^ Hono^b^^le^ the Lords of the Admiralty, directed to the Judge of the Admiralty in England, who gives them his Deputation under the ſeale of his Office.

'Tis neceſſary That the Officers of the Courts of Admiralty have Fees allow'd them Stated by the Judge of the Admiralty in England, for the time being, in regard of the Long

Long & Tedious Journey They muſt take, if Occaſion do's offer.

I rec̃d this Paper of Names from Mr. Randolph this 3 March 1696

RICHD. SAVAGE.

[*Addreſſed*] To William Popple Eſqr
Secr̃y to the Rt. Honoble. the Lords
Commrs. of the Councill of Trade
Theſe.

[*Endorſed*] L̃re from ye Secry. of ye Cuſto. houſe
with a Liſt of ye names of perſons
propoſed to be Advocates in ſeveral
of his Matys. Plantans. in America.

Dated } 3d }
Recd. } 3d }
Read 4th } March 1696.

[Annexed, in Randolph's writing, p. 306.]

Maryland
& 3 lower Countyes } Edwd. Chilton Att: G: & Advocate.

Penſilvania
& Weſt Jerſey } Edward Chilton Atturny. & Advocate.

New York
& Connecticott } James Graham ye preſent Atturney to be Advocate.
& Eaſt Jerſey

[*sic*] ~~as to a~~ fitt perſon in ~~the~~ Bahama Iſland, ~~I~~ am a ſtranger, & know ~~not~~ whom to recommend.

Bahama Iſlands Ellis Lightwood Judge:
John Leighton: Atturney Genll & Advocate

Mr. Randolph's Meml. for reconciling & perfecting the two Liſts lately recd. from ye Cuſtom houſe of Perſons to be officers in the Admty. Courts in ſome of ye Plantns.

Delivered

Delivered by him to y^e Board y^e 4th of March 169$\frac{6}{7}$.

[*Endorſed*] Mr Randolph's Mem^l for reconciling & perfecting y^e 2 Liſts lately rec^d from y^e Cuſtō-houſe of perſons to be Officers in y^e Adm^ty Courts in ſome of the Plantations.

Deliver'd to y^e Board by Mr Randolph & read y^e 4th March.

Randolph to Sec^ry Popple.

State Papers, Board of Trade, Plantations General, Vol. 4, p. 328.

March: 17th 1696[7]

S^r

In my paper of the Names of perſons to be ye Judges etc. of ye Courts of Admiralty to be erected in ye plantations preſented to their Lordſ^pps ye 13th of July paſt I mentioned Mr Thomas Newton, then in the province of ye Maſſachuſets Bay in N: Eng^d to be his Maties Atturney Gen^ll of that place. and did alſo in my laſt paper preſented to their Lordſ^pps Continue him to be the Advocate of that Court, not then knowing a perſon better qualified for that Employment.

But having lately mett with Mr Benjamin Linde of the Inner Temple a Bariſter of a Good Eſtate & Born in the Country & very able as well as willing to ſerue his Matie in that ſtation I take leaue humbly to recommend him to their Lordſ^pps to be appointed the Advocate in the Room of Mr Newton who is gone in the Country, & being no Bariſter at Law not ſo Capable to diſcharg that Truſt as

M^r

Mr Linde — well known to many eminent Lawyers in the Temple.

I am Sr
your humble Serut

be pleaſed not to offer this paper to their Lordspps untill you haue receiued the Liſt of thoſe Officers from Mr Secry Trumballs Office.

EDRANDOLPH.

[*Addreſſed*] To the Honble
Mr Secry Popple.

[*Endorſed*] Lre from Mr Randolph propoſing that Mr Benja Lynde may be nominated for Advocate in ye Maſſachts Bay inſtead of Mr Tho. Newton.

Dated 17th
Recd } 19th } March 1697.
Read

LETTER FROM THE COMMISSIONERS OF CUSTOMS TO MR. RANDOLPH, SURVEYOR GENERAL OF CUSTOMS IN AMERICA, RELATIVE TO THE ESTABLISHMENT OF THE PORTS OF PERTH AMBOY AND BURLINGTON.

New Jerſey Archives, Firſt Series, Vol. II. p. 178. 21 October, 1697.

The Commiſſioners of the Cuſtoms order to Mr. Randolph about Port of Perth Amboy.

Mr Randolph: Having Received Intimations that ſome perſons trading to Eaſt and Weſt Jerſies are not Content with the Priviledges allowed for the Loading and unloading of Goods and merchandizes at Perth Amboy in Eaſt Jerſey and in Birdlington [Burlington] in Weſt Jerſey, Whereby Directions

Directions from the Right Hono^{ble} the Lords Comiſſioners of his Maj'ties Treaſury we have Eſtabliſhed Officers to Collect the Duties Impoſed by the Act made the 25th yeare of the Reigne of King Charles the Second to inſpect the Enumerated plantation Com'odities which ſhall be laden upon ſhipps bound Directly to this Kingdome and likewiſe to Attend the Delivery of all European Goods brought from thence, but that ſuch perſons will attempt to Runn into private Creeks and harbours where there are noe officers, the better to Cover their Indirect practices. Wee direct that at y^{r} Arrivall in thoſe parts you make it one Cheife part of yor Care and Endeavour for the King's Service to Oblige all Merchants Maſters of Ships and others to load and unload at thoſe appointed and priviledged Ports of Perth Amboy and Birdlington aforeſaid, being owned and agreed upon by ſeverall of the proprietors in yor heareing to be ſufficient for the trade of both places, and that there may be noe p^{r}tence for Goeing Elſewhere, lett the Officers be Cautioned to give theire Conſtant and Diligent attendance in thoſe Reſpective ports for the Diſpatch of all Buſineſſe both Inwards and outwards.

We reſt yor loveing friends

Jo. Austin Sam Clark
Robt Henly Ben: Overbon

Cuſtom houſe, London
21st October, 97.

To Edward Randolph Eſq^{r} Surveyor Generall of his Maj'ties Cuſtoms in America.

Commission

Commission to Matthew Birch, To be Surveyor & Searcher of the Customs in pennsilvania.

Colonial Records of Pennſylvania, Vol. I. p. 535. 25 March 1698.

Edward Randolph, eſq^r Surveyor General of His maties Cuſtoms on the Continent of America, & Iſlands adjacent, To Mathew Birch eſq^r By virtue of a deputaon granted me by the Honble the Comrs of his maties Cuſtoms in London, bearing date the 13th day of October, 1691, & in purſuance Likewiſe of additional articles of inſtructions from yr Honors, dated att the cuſtom hous in London ye 22d of 7br, 1697, directing mee, amongſt other things, that in caſe of anie vacancie by y^r death, or want of any of the officers of ye Cuſtoms, or otherwiſe To appoint ſome fit and able perſon to ſerve yrin; And finding no Surveyor & ſearcher in the province of pennſilvania & Counties annext, I do hereby depute & Impower you, the ſd Mathew Birch, to be Surveyor and ſearcher of his maties Cuſtoms, in the ſd province of pennſilvania & Counties annexed, with all the rivers, bays, Creeks & Harbours yrunto belonging, With power to enter any ſhipp, bottom, boat, or other veſſel, as alſo into any Shop, houſe, warehouſe, Hoſterie, or otherwiſe, whatſoever, to make diligent ſearch Into any trunk, cheſt, Caſſe, truſs, or anie other parcel or package whatſoever, To make diligent ſearch for any goods, wares or merchandizes prohibited to be imported or exported qrof [whereof] the Cuſtoms & Duties have not been duly paid, and the ſame to ſeize for His Maties uſe; & alſo to put in execuon all other Lawll powers & authorities for the better managing & cauſing to be

Locus Sigilli sr. gul.

be Collected the ſaid duties, in all things as ye Law directs, following & obſerving all ſuch Rules & inſtructions as you ſhall from time to time receive from ye Comrs of His Maties Cuſtoms in England, or from the Comrs of His Maties Cuſtom for the time being. Given undr my hand & ſeal of office att ye port of philadelphia, the 25th day of March, Annoque domini, 1698, & in the Tenth year of the reign of 'or Soveraign Lord King *William* Y^e *Third* of England &c.

EDWD. RANDOLPH Serveyor Genrll.

Recorded 29th March, 1698.

RANDOLPH'S LETTER TO SEC^RY POPPLE.

State Papers, Board of Trade, Plantations General, Vol. 4. p. 669.

New York Aprill ye 25th 1698.

S^r

I overtook the [incloſed ?] here the 22^d inſtant, I have waited upon the Earl of Bellamont; I find his Lordpp ſtrict in the Supporting of the Intereſt of the Crown, the putting the Acts of Parliam^t in Execution, & Suppreſſing Pyrates; 5 or 6 Veſſells (as is reported) are come from the red ſea ſome are gone to the Southward towards Carolina & Providence; I queſtion not but I ſhall hereafter hear that ſome of them have touched at Penſilvania, where Mr Markham continues their ſteddy freind; he Entertain'd & countenanced ſome of Everys men, he had the Lords Juſtices Proclamacon againſt them, after that lett two of them go to Carolina & the other two are in the Province; One Claus a Dane keeps a Coopers ſhop in Philadelphia, I

 ſaw

ſaw him Every day; James Brown another of them is married to Mr Markhams daughter & lives nigh New Caſtle if not dead; I have adminiſtred the Oath to the Governr but he was not well pleaſed I would not Joyne with him to break it, he preſſ'd me to admitt of the Quakers atteſt inſtead of an Oath to prove that they were the Owners of Veſſells, when as their own Law (made ſince the paſſing the Act for prventing frauds) has otherwiſe provided as follows: — Provided allways & it is hereby intended that no perſon ſhall be by this Act Excuſed from Swearing, who by the Acts of Parliamt for Trade & Navigation are or ſhall be required to take an Oath: — but he values neither Oath nor the Acts of Parliamt ſo he may gett money; I have the like account from others of the Proprietys. Mr Webb at Providence has forgott his Oath (as I am Informed) ſeizing & diſcharging Veſſells as he pleaſes the maſters paying well for it; many of Everys men are in Carolina; the Earle of Bellamont is now ſending the ffowy frigott in purſuit of the Pyrates about the Southern parts, I go upon her to adminiſter the Oaths to the Governrs of Carolina &c. I ſhall then give to their Lordpps a particular account of proceedings there; tis abſolutely neceſſary that the Admiralty orders 3 or 4 light frigotts to be ſent thither & putt undr the cōmand & direccon of the Earle of Bellamont, (New York lying in the center of all the proprietys) otherwiſe all the Acts of Parliamt & his Majties Lettrs to thoſe Governrs will ſignifie no more then old Gazetts — beſides the Deptford & the ffowy order'd to Guard New England & New York; part of which charge will be prvented, if his Majtie will be pleaſed to appoint his own Governr with good Salarys in thoſe Proprietys.

You

You may pleaſe to remember, how I preſſed for his Maj^ties to appoint Atturneys Generall in all Goverm^ts I have found the want of one in Penſilvania intending to putt two bonds forfeited to his Maj^ties in ſuite, the Partys are arreſted but no body appointed to proſecute there for his Maj^ties I was not wanting before I left England to propoſe what now is confirmed to be neceſſary for his Maj^ties Service; I expect effectuall care will be taken at home to remedy thoſe Miſdemeanors in the Proprietys, otherwiſe I ſhall be of Mr Penns & Colonell Quareys Opinion, that the Salaryes beſtowed upon the Officers (eſpecially in Penſilvania) is but ſo much money thrown away.

Be pleaſed to accept my duty & readineſs to obſerve y^r cōmands (directed to me at the poſt houſe in New York,) becauſe I am S^r y^r moſt humble & obliged ſeru^t

EDRANDOLPH.

[*Addreſſed*] To the Hoñble Mr Popple
Secry att the Councill of Trade In Whitehall London.

[*Endorſed*] Lre from Mr Randolph to the Sec^ry dated at New York the 25th of April 1698, ab^t Pirates & Illegall Traders.
Rec^d 6th July } 1698.
Read 20th Oct^r }

RANDOLPH'S LETTER TO THE BOARD FROM NEW YORK.

Board of Trade, Plantations General, 4 (662).

Newyork Aprill the 26th 1698.

May it Pleaſe y^r Lordpps

A. In obedience to y^r Lordpps commands ſignified by Mr Secretary Popple in his Lett^r to me of the 16th of Aprill 1697 to give y^r Lordpps from time to time an Account of whatſoeve^r

whatſoev^r I ſhall Judge proper for their knowledge in order to his Maj^tes ſervice in any of the Colonys wherein I ſhall reſide; I humbly repreſent, that I arriv'd the 16th of Decemb^r paſt at Annapolis the Cheif Town in the Province of Maryland. I adminiſtred the Oath to Col^l Nicholſon the Govern^r the 11th of Jany paſt, he continues very zealous to putt the Acts of Trade in Execucon, & to the End no illegall Traders, may for the future gett off with ſlend^r ſecurity, he has putt all forfeited Plantacon Bonds in ſuites & recovered Judgem^ts ag^t ſeverall of the Inhabitants, who were bound with the Maſters of Veſſells, carrying their Tobacco from thence to Scotland directly, which makes many of them (being Scotch Traders) very uneaſy to the Govern^r

B. I fearing I could not comply with the time limited by the Act for adminiſtring the Oath to the Govern^r of Penſilvania ſent the Commiſſion order'd to remain in Virginia for adminiſtring the Oath to the Govern^r for the time being, by my ſervant to Sr Edmond Andres, who has accordingly taken the Oath, & is very ſtrict himſelf & obliges the Officers of the Cuſtoms to be very diligent & punctuall in their reſpective places.

C. With much difficulty I gott over Cheſepeak Bay, & travelled to Penſilvania calling at New Caſtle upon Delaware Bay, 'tis Inhabited with Scotch & Dutch cheifly, & a few French & one or two Engliſh men; they are under an arbitrary Quaker Goverm^t where neither Judges Jurys nor wittneſſes are ſworn, even in trialls of Criminalls, as about 4 years ago when I was there (as I was inform'd but will more particularly appear by the Record of the ſaid triall if they kept any) one Richardſon was tryed condemned, & executed

executed upon a ſuppoſed murther, ſo that his Maj^{ties} ſubjects inhabiting in thoſe places, & Penſilvania alſo, are in no wiſe ſecure in their Eſtates Lives & Liberties, nor can it be expected that the Officers of his Maj^{ties} Cuſtoms can have Juſtice done, where there are no perſons qualified by an Oath to try their Cauſes upon ſeizures & otherwiſe.

D. I came to Philadelphia & adminiſtred the Oath to Mr Markham the Govern^{r} the 17th of March paſt, but he has not his Maj^{ties} Order in Councill allowing him to be Govern^{r} of that Province.

E. Col^{l} Nicholſon hearing of ſome of Everys men were in Philadelphia forthwith ſent the Lords Juſtices Proclamac̃on (for apprehending them) to Mr Markham, who inſtead of ſecuring, ſupported & Encourag'd them; two of the Cheif (Chinton & Laſſell) were carried to Carolina from Philadelphia, by one Medlicott, another of Everys men & ſurgeon of his ſhip; Another of them (one Claus a Cooper) lives now in Philadelphia, I have ſeen him almoſt every day in the ſtreets; & James Brown (one alſo of that Company) is married to Mr Markhams daughter.

F. I humbly Incloſe a Copy of their Examinac̃on atteſted by David LLoyd the atturney Gen^{r}all. I Likewiſe ſend a Copy of the Preface of their Laws, in which they ſhew themſelves independent from the Crown, not acknowledging his p^{r}ſent Maj^{te} King William ye third to be their Soveraign Lord & King.[5]

G.

[5] This aſſertion made by Randolph is not confirmed by public documents. The Governor and Council of Pennſylvania declared and acknowledged the Prince and Princeſs of Orange "to be our King & Queen," on the ſecond day of the ninth month, 1689, although no official proclamation had been received from England. See *Colonial Records of Pennſylvania*, Vol. I. p. 305.

G. I have Order'd One of the Inhabitants of Philadelphia to be arrested (being security for a Vessell which carried her Tobacco to Scotland directly from thence) upon his forfeited Plantacon Bond of 1000^{l} Another upon a Bond of 500^{l}, I went to the Govern^{r} & desir'd him to appoint an Atturney Gen^{r}all to prosecute those Bonds for his Maj^{ties} but he did nothing in [it].

H. He has adjourn'd the Courts for 6 months, & by that means he has given a fair oppertunity to the persons arrested to secure themselves & Estates from future trouble, & to those also (whose forfeited Plantacon bonds he refuses to shew me) So that his Maj^{ties} Service is neglected, the Acts of Trade Eluded, & the Officers of the Customs putt to charge & trouble to no purpose. Mr. Markham has likewise discharged a Vessell of New York belonging to Co^{ll} Heathcott & Capt Evans Command^{r} of the Richmond Frigott now at New York, seiz'd by his own Warrant for loading Tobacco before bond given, since he rec̄ed & published the Act for p^{r}venting frauds.

K. About 10 days ago 'twas discour'd that 5 or 6 Vessels from the Red Seas were upon the Coast One of them was in A Connecticott Colony (a propriety) & unlivered [unloaded] some part of her goods, wch were seiz'd upon by his Exc̄ys direcc̄ons to Capt. Culliford Command^{r} of his Maj^{ties} Frigott the Fowy.

L. The Swift Frigott (Capt. Bostock Command^{r}) being run aground at North Carolina & in Dang^{r} to be lost, I therefore in pursuance to my Instrucc̄ons from my Masters the Com^{rs} of his Maj^{ties} Customes, intend to take my passage upon the Fowy with his Maj^{ties} Com̄issions to administer the Oaths

Oaths to the Govern^ns of Carolina, & Bermudos, & to carry ye Comiſſion & inſtrucc̃ons to the Bahama Ilands, where I am well informed by a Maſter of a Veſſell belonging to this Place (who lately came from thence) that Capt. Webb the Proprietors Govern^r ſeizes & cleers Veſſells, making the Maſters pay what he pleaſes, & takes no notice of Mr Graves, appointed to be the Collect^r of his Maj^tes Cuſtomes in that Place.

M. Y^r Lordpps may pleaſe to Remember that beſides the Proprietors Govern^ns taking the Oath, & being approved of by his Maj^tes Ord^r in Councill, before their Entrance into their reſpective Goverm^ts (as in the Act for p^r venting frauds is Enacted) that the Right Honble the Lords Spirituall & Temporall aſſembled in Parliam^t for the bett^r regulating the Proprietors Govern^ns did humbly propoſe to his Maj^tie that the Owners of the Severall Proprietys who live in England ſhould give good ſecurity to the Value of 2 or 3000^l to his Maj^tie that their Govern^ns ſhould punctually obſerve all the Acts of Trade &c, & that none of their Govern^ns be approv'd of by his Maj^ties Order in Councill, untill ſuch bond be given; I beleive that none of the p^r ſent Govern^ns (except Capt. Webb Govern^r of the Bahama Ilands) are approved of by his Maj^tes Ord^r in Councill, Neither have any of the Owners (living in England) given ſuch bond, So that notwithſtanding the Act for p^r venting frauds, the ſeverall Comiſſions, & all other methods directed (for the bringing thoſe independent Proprietys to a due Conformity to the Laws & Goverm^t of England) have been of no effect & the ſending Officers of the Cuſtoms thither with great Sallarys (as M^r

Penn

Penn has truly obſerved from the Temper of his Freinds) is only a Charge to ye Crown.

N. For preventing theſe & many other open Violacons & contempts of his Maj^ties Laws & Authority it is humbly propoſed that his Majeſty be pleaſ'd to take into his own hands the Goverm^t of all theſe petty Independent Plantacons, & appoint Govern^rs by his Comiſſions, Reſerving all ways to the Own^rs of ſuch Proprietys all their right & property to all Intents & purpoſes as fully & amply as by their ſaid Lett^rs Pattents &c are granted to them &c. Otherwiſe ſhould a hundred Acts be made for the Regulacon of them, they will pay no obedience to them.

O. I take leave further humbly to propoſe to y^r Lordpps that it is abſolutely neceſſary for his Maj^ties ſervice that the Lords Com^rs of the Admiralty do ſend at leaſt two ſmall light Frigotts to be under the comand & direccon of his Excellency the Earle of Bellamont, beſides thoſe now allreadyappointed for New York & New England, otherwiſe twill be impoſſible to p^r vent illegall Traders & Pyrates Eſpically from trading in the Provinces & Colonys Extending about 800 miles from New England to Carolina upon the Coaſt of America, as alſo to Defend Lawfull Traders from Spoyle & Rapine often comitted by Pyrates on this Coaſt, New York being the Ce[ntre] & is ſituated near the main Ocean, So that Veſſells may in much leſs time cruiſe to the Eaſtward or weſtward as Occaſion ſhall require from thence.

All which is humbly Submitted

by Ed Randolph.

[Here follows a précis of preceding paper, alphabetically arranged, probably made by the Clerk of the Board.]

[*Endorſed*]

[*Endorſed*] L^ds^ Com^ns^ Trade Plant^ns^ General
Lre from Mr Randolph to
the Board, dated at New York
April ye 26th 1698.
Rec^d^ 6th July } 1698.
Read 4th Oct^r^ }

THE TITLE OF THE NEW LAWS MADE IN PENSILVANIA IS AS FOLLOWS.

State Papers, Board of Trade, Plantations General, Vol. 4, p. 665. 26 Apr. 1698.

The Laws made & paſt by William Markham Eſq^r^ Govern^r^ und^r^ William Penn Eſq^r^ abſolute proprietor of the Province of Penſilvania, & the Territories thereunto belonging, by & with the advice & conſent of the Council & Repreſentatives of the ſaid Province & Territories in Generall Aſſembly mett at Philadelphia in the s̄d Province the 26th of October, & the 7th day of November in the Eighth Year of the Reign of William the third of England King Año D̄ni 1696.

And Whereas divers perſons within this Goverm^t^ cannot (for Conſcience Sake) take an Oath upon any account whatſoever Be it therefore Enacted by the Authority aforeſ̄d that all & every ſuch perſon & perſons being at any time hereafter required upon any Occaſion to give Evidence or take an Oath in any caſe whatſoever, ſhall inſtead of ſwearing be permitted to make his or their ſolemn affirmac̄on, atteſt or Declarac̄on which ſhall be adjudged, & is hereby Enacted & Declared to be of the ſame force & Effect to all Intents & purpoſes whatſoev^r^ as if they had taken an Oath.

 The

The Form of Juſtices and Judges
atteſt ſhall be in theſe Words viz:

Thou ſhalt ſolemny Promiſe that as Judge or Juſtice according to the Govern^ns Cōmiſſion to thee directed thou ſhalt do equal right to the poor & Rich to the beſt of thy Knowledge & Power according to Law, & after the Uſages & Conſtitucons of this Goverm:

Provided allways & it is hereby intended that no perſon ſhall be by this Act Excuſed from Swearing who by the Acts of Parliament for trade & Navigation are or ſhall be required to take an Oath.

This Proviſo was contrived by Mr Penn in England ſome time after the paſſing the Act for p^rventing frauds &c. & by his directions putt in the Body of their new Laws, to ſham thoſe who will any long^r credit him: but David Lloyd, a rigid Quaker the Attorney Generall & cheif Director in the Goverm: declared to me on the 7th of March laſt in the Company of ſeverall of that ſect, the Govern^r being p^rſent, that that Proviſo was never intended to be obſerved in Penſilvania, ſome of thoſe Quakers being Owners of Veſſells, proteſting that I made uſe of it as a ſnare to entrap them; that they would looſe their Veſſells before they would take an Oath, according to their Proviſo.

[*Endorſed*] Preface or Title to the New
Laws of Pennſylvania.
Tranſmitted by Mr Randolph
in his L̄re to ye Board, dated
at New York ye 26th of April. 98.
Rec^d 6th July } 1698.
Read }

RANDOLPH

RANDOLPH TO BENJ^N. BATHURST.

State Papers, Board of Trade, Plantations General, Vol. 4, p. 698.

New York, May ye 12th., 1698.

S^r

Tho' I am farr diſtant yett I have not forgott my promiſe made at Parting in Pauls Church yard to give an account what ſucceſs the Proclamacon of the Lords Juſtices for apprehending Everys men (obtain'd by the Eaſt India Company) has mett with, in the ſeverall Colonys & Plantacons upon the Continent of America & Ilands adjacent, but before I anſwer I take Leave to remind y^m that I gave to Mr Marſhall & Mr Dorrington members of ye Company a Copy of my memoriall ſhowing the onely methods for &c. wch I preſented to the Right Hoñble the Lords Com^rs for Trade, & laid the ſame likewiſe before the Right Hoñble the Lords Comittees in Parliam^t & that ſo long as the Proprietys of the Bahama Ilands, Carolina, Penſilvania, with its Territorys the two Jerſeys Connecticott Colony, & the Colony of Road Iland, [have ?] ſeperate Goverm^ts one from Another & all Independent from the Crown, 'tis not poſſible to ſuppreſs Pyracy.

The Owners of thoſe Tracts of Land Expect great advantage, & allow their Govern^rs not ſufficient to ſupport them honourably in their ſtations, wch brings Contempt & putts them upon indirect means to gett a bett^r maintenance, beſides they generally appoint perſons of ſlender fortunes with an Indifferent ſtock of honeſty; Mr Trott at Providence ſtop'd a Dutch Veſſell, gott a great deal of money by her before

before he would lett her go, beſides what he made by Every & his Company.

Coll Ludwell & Seth Sowthwell one of the Lords Propriet^rs of Carolina about the year 1692 inriched themſelves by James Miller a Scotch man & ſome of his Company, who ſhar'd a thouſand pound a man at Charles Town ſoon after went to Penſilvania, where they paid Mr Markham for his favour & protection, they are ſettled & are Inhabitants there to this day as appears by the incloſed paper N° 1.

I am heartily diſpoſ'd to Coll. Nicholſon the Govern^r of Maryland, he is a man truely zealous to ſuppreſs Pyracy & illegall Trade, he has been very ſevere form^rly upon thoſe who were ſuſpected onely to harbour or countenance any Pyrates, ſo that not one of Every's men ever came into that Province. I have not heard of any in Virginia, but at Philadelphia, I ſaw Stephen Claus (one of them) living within 20 Rods of the Govern^rs houſe & James Brown another of them is married to Mr Markhams daughter, & lives below New Caſtle.

I Incloſe to y^w a Paper N° 2 being the Narrative of Capt Sneed lately a Juſtice of Peace in the Province of Penſilvania, with whom Sr John Hubland [Hulland?] correſponds, as N° 3 being the Informacon of Thomas Robinſon Eſq^r Agent to the R^t Honble the Earle of Romney to receive his Maj^ties Part of Prizes brought into thoſe Plantacons, & alſo a Copy of the Examinacon of two of Everys men who (as I ſaid before) live in the Town, Nothwithſtanding the Govern^r had received (whilſt I was in Philadelphia) his Maj^ties Circular lett^r of the 25th of September (97) from the Duke of Shrewſbury's Office, ſignifying his Maj^ties Expreſs pleaſure to all

Govern^rs

Govern^r &c. to arreſt Seize & Secure the ſhips Perſons & Effects of all Pyrates & ſea Rovers &c. yet after my ſtay 3 weeks in Philadelphia, I ſaw the Pyrates walking about the ſtreets as form^rly. But his Ex̄cy the Earle of Bellamont kept all cloſe till he had certain adviſe that a Veſſell from the Red Sea had landed ſome of her goods in Connecticott Colony, ſome port [part ?] whereof is nigh N: York, as did alſo about the ſame time a Dutch Bottom from Madagaſcar loaden with Eaſt India goods, which they unliver'd about the ſame place in the s̄d Colony. The Earl of Bellamont order'd Capt Culliford Cōmand^r of the ffowy ffrigott to diſpatch a Boat & hands to ſeize them, they were found in one Banks his houſe in the Town of Greenwich in that Colony.

In a little time about 40 Pyrates were ſtoln into New York, I ſaw Edward Taylor (one of Coates his men) walking about the Town, but ſoon after was taken in Bed, & carried to the fort, with ſome two or three more of the gang, upon which the reſt being nigh 40 in all made their Eſcape to Connecticott Colony, & Eaſt Jerſey; ſo that his Lord^ſpp being by the Duke of Shrewſburys Lett^r confin'd within the limitts of his own Juriſdicc̄on, cannot ſeize or ſend his War^rt to apprehend any Pyrate either in Connecticott Colony or the Jerſeys, tho' it has been proved that he is a notorious Villain.

And as to the Govern^r of thoſe places they live about 60 or 70 miles up in the Country, beſides being Elected by the People once a year, they dare not medle with any, tho' they knew it, leaſt the inhabitants who live by the ſea ſide, & gett money for concealing prohibited goods, make a party & chooſe another Govern^r for the Enſuing Year.

His

His Excy has highly diſpleaſ'd the Trading men in this Town, who have all along Encourag'd Privateers; he is Iſſuing a ſtrict Proclamacon ag: Pyrates & their Abettors, which will onely make them remove their Trade. & familys to Amboy in Eaſt Jerſey, lying farr nearer to Sandy Hook then New York, ſo that there is an abſolute Neceſſity of thoſe places & all the other proprietys to be putt und: his Maj:tes imediate Authority.

I am going to Providence & Carolina where (if I am rightly inform'd) ſeverall of Everys men & other Pyrates are ſettled; the Swift ffrigott appointed to tranſport me from one Plantacon to another, is drove aſhore & not fitt for ſervice, otherwiſe I ſhould be in a Condicon to manage them, wherever I meet with them, or any of their goods, having a power to ſeize & ſecure their Goods in what place ſoever I find them.

It will be a reproach to the Goverm: that after his Maj:te has by his Victorious Armies ſubdued his Inſulting Enemys & brought the bleſſing of Peace to England That M: Penn ſhould ſo farr p'vaile upon perſons of Hon: to Joyne with him to promote the ſetting up of little cōmonwealths in his Maj:tes Dominions abroad who are of different principles from him, & have appeared in ſetting up the Monarchicall Goverm: at home. I am S: your humble Seru:

EdRandolph S: G.

be pleaſed the incloſed being Capt. Sneeds letter to S: John Hulland may be delivered.

[*Endorſed*] M: Randolph's Lre to S: Benjamin Bathurſt dated at N: York y: 12th of May 1698.

Randolph

RANDOLPH TO THE BOARD, ABOUT BOUNDARIES.

State Papers, Board of Trade, Plantations General, Vol. 4, p. 673.

New York May 16th 1698.

May it Pleaſe yr Lordpps

I was yeſterday deſired (by Mr ffrederick Phillips one of the moſt antient Inhabitants of New York & greateſt Trader to Albany, & other Merchts trading with the five Nations of Indians in Amity with the dutch at Albany) to repreſent to yr Lordpps, that the ffrench have for many years encroached upon the Trade, & alſo upon that Part of the Countrey to the Southward of their Bounds, by making ſettlements at the heads of all the great Rivers in his Maties Plantations, from Panopſcott Northward to South Carolina, ſo that 2 or 300 ffrench may upon any difference betwixt the Crowns of England & ffrance come down in ſmall Partyes, & ruine & deſtroy all the Inhabitants, who live 10 or 15 miles diſtant One Neighbour from another Eſpecially in Virginia & Maryland, where there are no Towns.

Now I am very well Inform'd that upon a treaty of Settlemt of the Bounds between his Mãtie & the ffrench King it was concluded that all the ffrench do draw off their Inhabitants, ſettled upon the heads of all the Rivers in Carolina, Virginia, New England &c. & to confine themſelves within the limitts of their old bounds.

The Northward of the River of Panopſcott has allways been accounted the dividing line between the Engliſh & the ffrench, running from thence N. N. W. up into the Countrey by which means the Beaver hunting Trade (now taken from us

us by the ffrench) will be ſecured to us, & thereby the 5 Nations of the Indians will bring all the Peltry to Albany & continue their ffreindſhip to us.

I take leave to inform y^r Lordpps that all the Country of Accade to the Eaſtward of Boſton is a very great fiſhing Place, where is alſo abundence of Excellent Copper & Maſts &c. & did belong to the Crown of England, but the ffrench gott it from us by a treaty to the very great diſadvantage of the Crown.

I humbly take leave to propoſe that, (upon the Treaty about adjuſting all difference between his Mãtie & ye Crown of ffrance) the Articles formerly made between the King of England & the ffrench King about the bounderies in thoſe Weſtern Parts of the world may be accordingly agreed upon & ſettled. All which is humbly ſubmitted by

y^r Lordpps humble Servt

[Not ſigned.]

[*Endorſed*] To the Right Honble
the Lords Comm^rs for Trade.
Lre from Mr Randolph to
the Board, dated at New York
ye 16th of May 1698; about the
Boundaries between the
Engliſh & ye French Plant^ns
Rec^d 6th July } 1698.
Read 4th Octob^r }

RANDOLPH

RANDOLPH TO THE BOARD, ABOUT ILLEGAL TRADERS IN RHODE ISLAND.

State Papers, Board of Trade, Plantations General, Vol. 5 (C. 17).

Boſton May the 30th 1698.

May it Pleaſe yr Lordpps

I wrote to ye Board very largely from New York to which I humbly referr yr Lordpps, I left that Place the 21th Inſtant & came to Road Iland the 24th following, where Walter Clark (a Quaker) being ſeverall years Governr quitted the place becauſe he would not take the Oath Injoyned him by the Acts of Trade, & Samuel Cranſton (Clarks Nephew) is Governr there to the ſame end as Mr Markham is Governr in Penſilvania onely to take the Oaths Injoyned by the Act for prventing frauds, but the Managemt of the Governmt (ſuch as it is) is in the hands of Quakers & Anabaptiſts, Neither Judges Juryes nor witneſſes are under any obligation ſo that all things are managed there according to their will & Intereſt.

Mr Brenton delivered the Cōmiſſion to the ſeverall Officers of the Court of Admiralty to be Erected in that Colony, wch Mr Clark the late Govnr oppoſed.

Coll Peleg Sandford Judge of the ſaid Court went to Walter Clark when he was Governr to be ſworn to the true performance of his Office, Clark took his Cōmiſſion from him, & carried it to the Aſſembly ſitting about that time, & acquainted them that the allowing of a Court of Admiralty to be erected in that Colony would utterly deſtroy their Charter, by which they were Impowerd to erect a Court of Admiralty & appoint the Officers thereunto belonging.

 Sometime

Sometime after Coll. Sandford demanded his Cōmiſſion (for Judge) of Walter Clark, which he then abſolutely refuſed to give him.

The p'ſent Govern.' has likewiſe refuſed to give the Judge of the Court of Admiralty his Oath telling me that he has no authority or directions for ſo doing.

Not long before my Landing at Road Iland eight Pyrates came from ffiſhers Iland (belonging to ye p'ſent Govern.' of Connecticott Colony) with a great deal of money & Eaſt India Commodities which they brought in their Brigantine (from Madagaſcar) now lying at New York.

Upon the Arrivall of the ffowy ffrigott in Road Iland harbour, ſix made their Eſcape from thence to Boſton, with a great Quantity of Eaſt India Goods & money; But Robert Munday & George Cutler (two of them) were ſeiſed upon & about 14 or 1500^l in ſilver & Gold was taken from them, and (as the Govern.' tells me) is in his Cuſtody, they were putt in priſon but about two days after they were admitted to Bayle, by the Govern^rs order (as I am Informed Greſham Clark one of the Govern^rs Uncles being their Security by wch means they have opportunity given them to make their Eſcapes, leaving their money to be ſhared by the Govern.' & his two Uncles, who have been very great Gainers by the Pyrates, wch have frequented Road Iland; three or four Veſſells have been fitted out from thence to ye Red Sea.

Walter Clark the late Govern.' & his Brother now the Recorder of the Place, have countenanced Pyrates & enriched them ſelves thereby, their Deputy Govern.' John Green granted a Cōmiſſion to one of the Pyrates (who went from

from thence to ye Red Sea) without any Security given by the Maſter; the houſe of Deputies being the Law Makers take no Oaths nor Engagem^t, they raiſe money upon ſuch of the Inhabitants as are not ffreemen of their Corporacon wch they have no power by their Charter to do.

Walter Clark called the people together to ſign the aſſociation, he told them, ſuch of them as were willing might do it but becauſe he himſelf refuſed to ſign it, the people from his Example neglected to do it.

There are a great many men of good Eſtates in Road Iland groaning und^r the oppreſſion of this Lawleſs Goverm^t who would do his Mãtie faithful ſervice, if either putt und^r his Mãties immediate Goverm^t or annexed to the Province of the Maſſachuſets Bay, they have offer'd to allow 500^l p annũ towards the ſupport of a perſon appointed by his Mãtie to be Govern^r over them, till that's done, 'tis not poſſible for the Earle of Bellamont, (the Govern^r of the Province of Maſſachuſetts Bay) to ſuppreſs illegall Trade & Pyracy which were form^rly moſt notoriouſly countenanced & ſupported in this Place & to this day continued in Road Iland Colony.

Now for the bett^r confirmation of what I have herein repreſented, I humbly move y^r Lordpps to order that an Authentick Copy be made of all the Laws of Road Iland now kept in looſe papers & tranſmitted to y^r Lordpps (after they have been truly Examined & Compared by Col^l Peleg Sandford Judge of his Mãties Court of Admiralty & M^r ffrancis Bromly men of great Eſtates in that Goverm^t) by which their Ignorance in making, & their arbitrary Execution of thoſe Laws will moſt Evidently demonſtrate. that they

they are no way capable to Govern the people in that Colony.

All which is humbly ſubmitted to y^r Lord̄pps by
y^r Lordſ^ps moſt humble Ser^t.

EDRANDOLPH. S: G.

June the 6th

I am this day Informed that the Goverm^t of Road Iland intend to appoint a Court & proceed to tryall of Munday & Cutler the Pyrates whoſe money the Govern^r has in his hands, & in caſe no body appears (to proſecute them for Pyracy) to acquitt them & Deliver them their money Notwithſtanding the Earle of Bellamont ſent them his Mãties Circular Lett^r directed to all Govern^rs in the Plantations to Seiſe & apprehend ye Ships Goods & Effects of all perſons Suſpected for Pyracy &c. which (as I remember) Cranſton the Govern^r acknowledged to me that he had received.

Walter Clark the late Govern^r of Road Iland is highly diſpleaſed that the Oaths Injoyned by the Act for preventing frauds is to be taken by the Govern^r of that Colony, & alſo becauſe his Mãtie has ordered a Court of Admiralty to be erected there, I hear he is appointed their Agent to attend y^r Lord̄pps & to repreſent their Grievances & pray his Mãties releif therein, they are raiſing money upon the Inhabitants to defray his charges.

[*Endorſed*]
Lords Com^rs for Trade.

Lre from Mr Randolph from Boſton in N. E. to ye Board, ab^t Pirates & Illegal Traders in Rhode Iſt.

Dated ye 30th of May
Rec^d ye 5th of Sept^r } 1698.
Read the 20th Octob

RANDOLPH'S

RANDOLPH'S LETTER TO THE BOARD RELATING TO SEVERAL OF THE PLANTATIONS.

Board of Trade, Plantations General, 5 (C. 18).

New York 25 Augt 1698.

May it pleaſe Y^r Lordſ^ps

A. I am Still prevented from carrying the Commiſſions to adminiſter the Oaths to the Govern^rs of Carolina and Bermudes, for want of a paſſage thither, wch I now Expect in a few dayes. I was lately in the Province of Eaſt New Jerſey where moſt of the Towns, in that and the Other Province will not accept of M^r Baſſe to be their Govern^r becauſe he is not qualified by His Maj^ts Order in Councill firſt had Approving and allowing him to be ſuch before his Entrance upon the Government.

B. I Obſerve all the Govern^rs take the Oaths, not in Obedience to the Acts of Trade but to avoid the paym^t of £1000 forfeited upon their refuſall yett they have Entred upon their Governm^ts and take upon them to Execute the Severall Truſts, and powers repoſed by thoſe Acts in his Maj^ts Govern^rs and to be done Onely by them in the Plantacons.

C. I humbly Incloſe to y^r Lordſ^ps ſome Queries ariſeing upon the Proprie^rs Govern^rs intermedling with the Acts of Trade (who till I am better informed) Seeme no way concernd therein, altho they have taken the Oath.

D. I went to Phyladelphia and diſcourſed Mr Markham about his Law and told him that he had therein acted Expreſſly againſt the 10th Article of his Inſtructions Signd by their Excell: the Lords Juſtices wch he had taken an Oath to

to Obſerve in paſſing a law repugnant to the Act for preventing Frauds etc. made in the 7 & 8th year of His Majtie Reign, A Copy whereof wth my ſhort remarks upon it, I humbly tranſmitt to yr Honrs.

E. I have in my former letters to ye Board perticularly repreſented the ſtate of the Plantacons under His Majtie Authority in relacon to trade to wch I humbly referre yr Lordſhips, Butt ſo long as the Colonies of Road Iſland and Connecticott, the Province of Eaſt & Weſt new Jerſeys of Penſilvania and Counties annexed, and North Carolina, adjoyning to and intermixt among thoſe His Majtie Plantacons tis Impoſſible that their Reſpective Governrs can ſuppreſſe the ſcotch and Other illegall trade: The Scotchmen now highly value themſelves upon the Opinion of the Atturny and Solr Generll On the proviſo in the Act for preventing Frauds &c. relateing to Scotch men.

F. The Inhabitants of the Province of Penſilvania have already by their ſhamm Law utterly deſtroyd the deſign & Intent of the Act for preventing Frauds &c. and they queſtion not but by Mr Penns prevailing Intereſt to get that Law paſſed in their Favour, wch if ſo will be an admirable preſident for all the Other Governrs in the Propriety to paſs the like law, and then they will be ſoon peopled, for many more of the Inhabitants of New York, Mary-land & Virginia will ſettle amongſt them, where all goods and Commodities are Exported and Imported Duty Free: And their laws like thoſe in Penſilvania as ſavourable as they pleaſe to make them.

G. There never were in One year ſo many Veſſells Entred out of this Portt to Madagaſcar, and Curaſſaw then now.

H.

H. The Swift Frigott is loſt, wch was Ordred to tranſport me from one Plantacon to Another, and to cruize along ſhoares to prevent the Illegall trade (wch proves ſo profitable to thoſe who cary it on) that if 100 Acts of Parliam^t^ are made, and no Veſſells to intercept them before they gett into harbour, will ſignifie nothing, towards preventing that trade as by the Incloſed liſt appeares.

I. From the Conſideracon whereof, I humbly take leave to add that unleſſe a ſmall Veſſell well mand be Ordred to cruiſe, and looke into the Capes of Virginia, Delaware bay and N: York, and ſometimes to Carolina, and Providence in the Winter time his Maj^ty^ for want, thereof will looſe in his Cuſtomes more in One Year, then will maintain 5 Men of warr in pay at home.

All which is humbly ſubmitted
by y^r^ Lordſ^ps^
moſt humble ſerv^t^
ED RANDOLPH.

K. This is by Capt. Richard Culliford Commander of his Maties frigott the fwoy whom ye Earle of Bellamont, upon notice that a great quantity of Eaſt India Goods were landed & in the houſe of Major Sellich (a cheife man in Connecticott Colony) ſent theither to ſeize them: I have in ſome of my litters mentioned it to ye Board, and the affronts he mett with there: I humbly intreat y^r^ Lordſ^ps^ that he may attend & relate the matter of fact I know not his lodgings in London, But Mr Secry Popples letter if left for him at the Admiralty will find him.

[Here follow précis, as in paper i. 4.]

[*Endorſed*]

[*Endorſed*] Plantations General,
Letter from Mr Randolph to the Board dated at New Yorke the 25th of Aug. 1698 relating to ſeveral of the Plantations.
Recd 31th Octr } 1698.
Read 1st Novr }

Randolph's Letter to Secry Popple.

Board of Trade, Plantations General, 5 (C. 19).

Sept 12: 1698.

Sr

The ſwoy frigott not being ſayld: I take leave to inform yr Honr that the E: Bellamont is ſtill indiſpoſed with the Gout which yet prevents his Excelly: Going to Boſton. I obſerve here a great ferment amongſt the trading people, becauſe his Excelly: has endeavoured to ſuppreſſe the illegall Trade: which has for many yeares been Carried on with great advantage to the Mercts Tis not the perſon but the Cuſtoms long ſince impoſed by themſelves upon Trade which makes them diſſatisfied. That all expires next May: they will not continue it.

The Provinces of Eaſt & Weſt Jerſey are ſetting for themſelves, & will not, accept of Mr Baſſe to be their Govr & he is laying down the Gomt & retiring to his plantation: I am at laſt going to Carolina, from whence (if it pleaſe God I live & eſcape the pyrates) I ſhall ſend an Account of the preſent State thereof to their Lordſpps

Wiſhing

Wiſhing continuance of health to you & y^rs^ with my humble ſervice to Mr Popple I am S^r^

Your Hon^rs^ moſt humble Servt

ED RANDOLPH.

To Mr Secry: Popple.

[*Endorſed*] Plant^ns^ Gen^ll^

Lre from Mr Randolph to ye Sec^ry^
dated at New York ye 12th of Septr 1698.
Rec^d^ 30th Oct^r^ } 1698.
Read 1 Nov^r^ }

E. RANDOLPH TO THE LORDS OF TRADE.

Hiſtory of South Carolina, by William James Rivers, p. 443.

May it pleaſe y^r^ Lordſhips. 16 March 169⅞.

After a dangerous voyage at Sea, I landed at Charles Town, in the Province of So. Carolina, & ſoon after my arrival, I adminiſtered the Oath to Mr Jos. Blake, one of the Proprietors & Governor of this Province. But he is not allowed of bv his Ma^tys^ Order in Council to be Govr, the Act of Parl^t^ for preventing frauds being not taken notice of by the Proprietors.

There are but few ſettled Inhabitants in this Province, the Lords have taken up vaſt tracts of lands for their own uſe, as in Colleton County & other places, where the land is moſt commodious for ſettlement, which prevents peopling the place, & makes them leſs capable to preſerve themſelves. As to their civil Goverm^t^ 'tis different from what I have met with in the other Proprieties. Their Militia is not above 1500 Soldiers White men, but have thro' the Province gen-

 erally

erally 4 Negroes to 1 white man, & not above 1100 families, Engliſh & French.

Their Chief Town is Charles Town, and the ſeat of Govern^t in this Province, where the Governor, Councill & Triennial Parliam^t ſet, & their Courts are holden, being above a league diſtance from the entrance to their harbour mouth, wch is barred, & not above 17 foot water at the higheſt tide, but very difficult to come in. The Harbour is called by the Spaniards, St. George; it lyes 75 leagues to the Northward of St. Auguſtine, belonging to the Spaniards. It is generally laid down in our Engliſh maps to be 2 deg. 45 min. within the ſouthern bounds of this Province. In the year 1686, one hundred Spaniards, wth Negroes & Indians, landed at Ediſtoe, (50 miles to the ſouthward of Charles Town,) & broak open the houſe of M^r Joſeph Moreton, then Governor of the Province, & carried away Mr Bowell, his Brother-in-law, priſoner, who was found murdered 2 or 3 days after; they carried away all his money & plate, & 13 ſlaves, to the value of £1500 ſterling, & their plunder to St. Auguſtine. Two of the Slaves made their eſcape from thence, & returned to their maſter. Some time after Govr Morton ſent to demand his ſlaves, but the Govr of St. Auguſtine anſwered it was done without his orders, but to this day keeps them, & ſays he can't deliver them up w^thout an ord^r from the King of Spain. About the ſame time they robbed Mr. Grimball's Houſe, the Sec. of the Province, whilſt he attended the Council at Charles Town, & carried away to the value of above £1500 ſterl^g. They alſo fell upon a ſettlement of Scotchmen at Port Royal, where there was not above 25 men in health to oppoſe them. The Spaniards burnt

burnt down their houſes, deſtroyed & carried away all that they had, becauſe (as the Span^{ds} pretended) they were ſettled upon their land, and had they at any time a ſuperior force, they would alſo deſtroy this Town built upon Aſhley & Cooper Rivers. This whole Bay was called formerly St. George's, which they likewiſe lay claim to. The Inhabitants complained of the wrong done them by the Spaniards to the Lords Proprietors, & humbly prayed them (as I have been truly informed) to repreſent it to His Ma^{ty}, but they not hearing from the Lord Prop^{rs}, fitted out two veſſels with 400 ſtout men, well armed, & reſolved to take St. Auguſtine. But Jas. Colleton came in that time from Barbadoes with a Commiſſion to be Govr, & threaten'd to hang them if they proceeded, whereupon they went on ſhore very unwillingly. The Spaniards hearing the Engliſh were coming upon them for the damages, they left their Town & Caſtle, & fled into the woods to ſecure themſelves. The truth is, as I have been credibly informed, there was a deſign on foot to carry on a Trade with the Spaniards.

I find the Inhabitants greatly alarmed upon the news that the French continue their reſolution to make a ſettling at Meſſaſipi River, from [whence] they may come over land to the head of Aſhley River wthout oppoſition, 'tis not yet known what care the Lord's Prop^{rs} intend to take for their preſervation. Some ingenious gentlemen of this Province (not of the Council) have lately told me the Deputies have talked of mak^{g} an Addreſs to the Lords Prop^{rs} for relief, But 'tis apparent that all the time of this French War they never ſent them one barrel of powder or a pound of lead to help them. They conclude they have no reaſon to depend upon them

them for aſſiſtance, & are reſolved to forſake this Country betimes, if they find the French are ſettled at Meſchaſipi, or if upon the death of the King of Spain theſe Countries fall into the hands of the French, as inevitably they will (if not timely prevented), and return with their families to England or ſome other place where they may find ſafety & protection. It was one of the firſt queſtions aſked me by ſeveral of the Chief men at my arrival, whether His Ma^ty^ had not ſent over ſome ſoldiers to preſerve them from the French, ſaying they might all live in this plentiful Country if His Ma^ty^ will pleaſe to allow them half pay for 2 or 3 years at furtheſt, that afterwards they will maintain themſelves & families (if they have any) in making Pitch and Tar & planting of Indian Corn, His Majeſty will thereby have ſo many men ſeaſoned to the Country ready for ſervice upon all occaſions, five ſuch men will do more ſervice by ſea or land than 20 new raiſ^d^ men from home, they may be brought hither in the Virginia outward bound Ships, 100 or 150 men in a year, till they are made up 1000, it will ſave the charge of tranſporting ſo many another time 2 or 3000 leagues at ſea. I heard one of the Council (a great Indian Trader, & has been 600 miles up in the Country weſt from Charles Town) diſcourſe that the only way to diſcover the Meſchaſipi is from this Province by land. He is willing to undertake it, if His Ma^ty^ will pleaſe to pay the charge wch will not be above £400 or £500 at moſt; he intends to take with him 50 white men of this Province and 100 Indians, who live 2 days journey eaſt from the Meſchaſipi, and queſtions not but in 5 or 6 months time after he has His Ma^ty's^ Commands & inſtructions to find out ye mouth of it and the true latitude thereof.

The

The great improvement made in this Province is wholly owing to the induſtry & labour of the Inhabitants. They have applied themſelves to make ſuch commodities as might increaſe the revenue of the Crown, as Cotton, Wool, Ginger, Indigo &c. But finding them not to anſwer the end they are ſet upon making Pitch, Tar & Turpentine, and planting rice, & can ſend over great quantityes yearly, if they had encouragement from England to make it, having about 50.000 Slaves to be employed in that ſervice, upon occaſion, but they have loſt moſt of their veſſels, which were but ſmall, laſt war by the French, & ſome lately by the Spaniards, ſo that they are not able to ſend thoſe Commodities to England for a market, neither are ſailors here to be had to man their veſſels.

I humbly propoſe that if His Ma^ty will for a time ſuſpend the Duties upon Commodities, and that upon rice alſo,[6] it will encourage the Planter to fall vigilantly upon making Pitch & Tar &^c., wch the Lords Prop^rs ought to make their principal care to obtain from His Ma^ty being the only way to draw people to ſettle in their Province, a place of greateſt encouragement to ye Engliſh Navy in theſe parts of ye world. Charles Town Bay is the ſafeſt port for all Veſſels coming thro' the gulf of Florida in diſtreſs, bound from the Weſt Indies to the Northern Plantations; if they miſs this place they may

[6] *Hiſtory of England in the Eighteenth Century*, by William E. H. Lecky, ed. 1878, Vol. I. p. 333. "The firſt ſlight relaxation of the commercial reſtraints which excluded the colonies from intercourſe with all foreign countries was due to Walpole, who carried, in 1730, an Act enabling Carolina and Georgia to ſend their rice direct in Britiſh veſſels, manned by Britiſh ſailors, to any part of Europe ſouth of Cape Finiſterre; and this meaſure, reſtricted as it was, had the effect of greatly developing the colonial plantations, and making their produce a ſucceſsful rival to Egyptian rice, in the chief markets of Europe."

may perish at sea for want of relief, and having beat upon the Coast of New England, New York, or Virginia by a North West Wind in the Winter, be forced to go to Barbadoes if they miss this Bay, where no wind will damage them and all things to be had necessary to refitt them. My Lords, I did formerly present Your Lordships with proposals for supplying England with Pitch & Tar, Masts & all o^r Naval Stores from New England. I observed when I were at York in Septr last, abundance of Tar bro^t down Hudson's River to be sold at New York, as also Turpentine & Tar in great quantities from the Colony of Connecticut, I was told if they had encouragement they could load several Ships yearly for England. But since my arrival here I find I am come into the only place for such commodities upon the Continent of America; some persons have offered to deliver in Charlestown Bay upon their own account 1000 Barrels of Pitch and as much Tar, others greater quantities provided they were paid for it in Charles Town in Lyon Dollars passing here at 5^s p^r piece, Tar at 8^s p^r Barrel, and very good Pitch at 12^s p^r Barrel, & much cheaper if it once become a Trade. The season for making those Commodities in this Province being 6 mo^s longer than in Virginia and more Northern Plantations; a planter can make more tar in any one year here with 50 slaves than they can do with double the number in those places, their slaves here living at very easy rates and with few clothes.

The inclosed I received from M. Girard, a French Protestant living in Carolina. I find them very industrious & good husbands, but are discouraged because some of them having been many years Inhabitants in this Province, are denied

denied the benefit of being Owners & Maſters of Veſſels, which other the Subjects of His Majeſty's Plantations enjoy, beſides many of them are made Denizens. If this Place were duly encouraged, it would be the moſt uſeful to the Crown of all the Plantations upon the continent of America. I herewith encloſe to Your Lordſhips a Draft of the Town and Caſtle of St. Auguſtine, with a ſhort deſcription of it by a Gentleman who has been often there. It's done exactly true, more for ſervice than for ſhow. The Spaniards now, the French, if ever they get it, will prove dangerous neighbours to this Province, a thing not conſidered nor provided againſt by the Lords Proprietors. I am going from hence to Bermuda, with His Ma^ty Commiſſioners, to adminiſter the Oath to the Govr of that Iſland, with a Commiſſion for the Judge and other Officers of the Court of Admiralty erected there, from where I believe it neceſſary to haſten to the Bahamas Iſlands, where a Brigantine belonging to New England was carried in as a wreck. The Maſter & Sailors being purſued by ſome perſons who had Commiſſion for Govr Webb, believing they were chaſed by Spaniards, forſook their Veſſel & went on Shore among the Natives to ſave their lives.

All which is humbly ſubmitted by
Your Lordſhip's Moſt humble Servant,
ED. RANDOLPH.

The want of a ſmall Veſſel to ſupport the loſs of the Frigate, which was appointed by the Lords Commiſſ^rs of the Admiralty to tranſport me from one Plantation to another, makes me ſtay a great while at one place for a paſſage to another, which is uncertain, difficult & dangerous.

I have by the extreme of cold laſt Winter in Maryland and Pennſylvania, & by my tedious paſſage in the Winter time from New York to this place, got a great numbneſs in my right leg & foot. I am in hopes this warm climate will reſtore me to my health. I have formerly wrote to your Board & the Commiſſ.rs of H. M. Cuſtoms, the neceſſity of having a Veſſel to tranſport me from one Plantation to another.

I humbly pray your Lordſhips favour to direct that the little reſidence I am to make in theſe parts of the World, may be in this Province, & that a Veſſel well manned may be ſent me hither, which may anſwer all occaſion, my intentions being not to lye idle, for when the Hurricane times come in theſe parts of the World, I can go ſecurely to Virginia, Maryland & Penſylvania & New England, without fear of being driven from thoſe Plantations by North Weſt Winds, & when they come I can paſs from one Plantation to another without difficulty.

[The letter of Peter Girard gives the number of French Proteſtants in Carolina on 14 March 1698–9 as 438.]

Ed. Randolphe to the Earl of Bridgewater.

Hiſtory of South Carolina, by William James Rivers, p. 447.

Charles Town in South Carolina, March 22d 1698.

May it pleaſe Yo.r Lo.p

About the 10th of January paſt, one Cutler came from London hither with his Wife, he gave out that he had a Commiſſion from his Majeſty to ſearch for Mines in this Province,

Province, his Wife has brought over with her a ſtock and keeps a Miliner Shop in this Town, he expects one Green to follow him, equally concerned with him (as he ſays) in the ſearch for mines, but neither he nor Green have been formerly in this Province. I hear from an intimate freind of Cutler's, that his dependance is wholy upon one Edward Loughton, (whoſe wives Siſter Cutler married in London,) And one David Maybanck (another relation by Marriage,) to aſſiſt him, they have no knowledge of mines, further than what they have heard Indian Traders who live in the Savanore Town diſcourſe, that there are Mines about that place, as 'tis comonly ſaid there are in other places in the Province; that which is talked of is 30 or 40 miles down the Savanore River, taken up when the River is dry, good for little or nothing.

Loughton and Maybanks are both houſe Carpenters and have lived about 16 years in this Town, they were in London not long agoe, 'tis probable they might infuſe notions of Mines into Cutler & Green. That they knew where there were mines, and eaſily to be found if they could get a Comiſſion from His Majeſty to ſearch, and ſome perſons of quality to countenance them and money to bear their charges; They returned about 5 years after. Now whether they are joyned with Cutler and Green is beſt known to your Lordſhip.

Cutler talks of going to the Savanore Town, about 120 miles from hence, with Loughton & Maybanks, to ſpeak with the Indian Traders, he promiſſes great matters to thoſe who inform him of Mines. He has lately diſcouvred that your Lordſhip, the Earl of Pembrook & Mr Blathwayt, are

 principally

principally concerned. That your Lordſhips have got them a Commiſſion to pay their paſſage & travelling charges.

My Lord, — I did enquire of a Gent. living in this Country, what profit has ariſen to his Majeſty by the 4th part of the Gold & Silver Mines in this Province, or whether they have given encouragement to any perſons to diſcover them and work them. I hear of none.

Some time after, upon a Report that I was going to England, he ſent me a letter, a Copy whereof I humbly incloſe to your Lordp, wch I intended to ſhew to the Chancellor of the Excheqr if I went home, or to tranſmit it to his Lordſp by the next ſhipping. But ſince I find that your Lordp, the Earl of Pembroke, to whom I have the honour to be known, and Mr Blathwayt, are all engaged in the ſame deſign to promote the laſting benefit of His Majeſty and his Kingdomes, I do therefore humbly incloſe a Copy thereof to Mr Blathwayt, in caſe any ſhould miſcarry, how far your Lordp now will pleaſe to communicate this to the Chancellor of the Excheqr I humbly ſubmit to your Lordſhip.

Mr James Moore (who ſent me ye letter) is a Gentleman of a Good Eſtate in this Country, he is Secry of the Province and a Deputy to Sr John Colleton, one of the Lords Propry. He told me when we firſt diſcourſt about Mines, That if he were impowered by his Majeſty and had good encouragement for himſelf and his friend, he would forthwith, upon receipt thereof, take with him 50 White men and 100 of the Chirakues Indians to be his Guard. That he had a Negro Smith. He deſired me to be ſecured againſt the Lords Proprietors claime; to have all matters ſo accoōdated that they might not ſeize upon the produce of his own coſt & labour be-

ſtowed

ſtowed upon his Maj^ts 4th Part, Whereas their Lordſhips have ¾ ^pts to ſet men to work upon for themſelves; That he can employ his Eſtate & Slaves to greater proffit. As to his own ſhare which may ariſe to him from the Mines, he wholly ſubmits that to his Majeſty and to your Lordſhips, conſidering he is at all the charge of the discovering and opening them.

My Lord, As this is a matter of great import to the Crown if it ſucceed, ſo if it be not it will prove an utter ruin to Mr Moor, if the Lords Proprietors know that he hath neglected their Lordſhips and made his propoſalls in the firſt place to your Lordſhips he will certainly be a double looſer, for beſides his great charge & travell to diſcover the Mines, the Lords Prop^rs will upon the firſt notice, turn him out of the Councill, and take from him his office of Secret^y, and engage the Govr and Councill againſt him, to the deſtruction of himſelf & numerous family, and at laſt force him to leave the Country, as has been formerly practiced upon men of good Eſtates in this Province.

Your Lordſhipp may pleaſe for your further ſatisfaction of Mr Moor's quality to be informed of Mr W. Thornburgh, now one of the Lords Propriet^rs and his Agent in London, (but of that tenderly,) as to any ſhare to myſelf, 'tis his kindneſs to mention it. I have been for many years alwayes ready to ſerve ye Crown, if your Lo^ps pleaſe to command, I will attend at Whitehall. I am very ſenſible it will be neceſſary in many reſpects.

In the meantime, I humbly pray for the recovering of my health, that I may have leave to make my reſidence in Carolina in Winter time to avoid the extremity of cold in Virginia

Virginia, Maryland, or thoſe other Northern Plantations, and that I may have another Veſſell that draws much leſs water than the Swift advice boat, loſt by the careleſſneſs of the Commander in Virginia laſt Winter, with liberty to have an able Coaſter, well acquainted with the dangerous flats and ſands upon all the ſhoars from this place to New England, where his Maj^ts ſervice will very often require me, the loſs of that Veſſell makes my paſſage tedious, dangerous and troubleſome, I ſhall thereby be freed from the hurricanes in the extremity of hot weather in theſe parts of America.

All wch. is humbly ſubmitted by

ED: RANDOLPH.

[Communicated by his L^dp to ye Board]
Rec^d ye 15th. Read 19th June 1699.

RANDOLPH'S DEPOSITION AB^T. HIS IMPRISONM^T.

State Papers, Board of Trade, Plantations General, Vol. 5, (E. 13). 31 Jan. 1699/1700.

To the R^t Honble the Lords Commiſſio^rs for Trade.

The Memoriall of Edward Randolph Eſq^r Surveyor Generall of the Cuſtomes in all his Majeſties Colonies, Provinces and Plantations on the Continent of America, and Iſlands adjacent.

Your Lord^ps were pleaſed to ſignify your Commands by M^r ſecretary Popples Letter to me (then in England) of the firſt of April 1697 to Give Your Lordſ^ps from time to Time an Account of whatſoever I ſhould Iudg proper for Your Knowledge

Knowledge in Order to his Maties Service, in any of thoſe Colonies I ſhould reſide in, or through which I ſhould paſs.

That in Purſuance thereof, I have given your Lord^ps^ in all my Letters from thoſe Colonies &c. On the Continent of America, & Iſlands Adjacent, a true and ffaithfull Account of Whatſoever I obſerved Proper for Your Lordſ^ps^ Knowledg, in Order to his Majeſties ſervice.

That I have been Impriſoned 32 weeks in Bermuda for following your Lord^ps^ Directions in Tranſmitting a particular ſtate of the Adminiſtration of the Governours in thoſe Iſlands as by the Annexed Coppy of the Depoſition relating thereto does appear.

That I have been at Great Charges in procuring and ſending your Lord^ps^ Mapps, and Draughts of places moſt Neceſſary for your Lord^ps^ Knowledge, which your Lord^ps^ have been pleaſed to do me the Honour to Acknowledge, in Your Letter of the 27° of July 1699, ſent to me During the Time of my ſaid Impriſonm^t^ and to put a Vallue upon my Services as uſefull for Your Lord^ps^ Information and alſo for the Generall Benefitt, and Advantage of the Trade of this Kingdome, Whereupon Your Lord^ps^ did in y^e^ ſaid Letter aſſure me of your readineſs upon all Occaſions to do anything that might be proper for my Encouragm^t^ in his Mäties Service, with reſpect to my paſt Services, and 32 weeks ſevere Impriſonment in Bermuda.

I Humbly intreat your Lord^ps^ favourable repreſentation thereof to his Majeſty, in ſuch manner, as due conſideration may be had to my ſervices and ſufferings abroad, and to my Attendance

Attendance on your Lord^ps^ whenever required, ſince my Arrivall, as to his Mãties Goodneſs, and Wiſdome may ſeem moſt reaſonable.

All which is humbly Submitted

By ED RANDOLPH: S: G.

Rec^d^ 20th June 1701.

[*Endorſed*] Memoriall.

[*Annexed.*]

Bermuda.

The Depoſition of Samuell Spofforth Gen̄ formerly a Member of the Councill of thoſe Iſlands who being ſworn Saith

That upon the 15th day of May laſt Edward Randolph Eſq^r^ Surveyo^r^ Generall of his Mãties Cuſtomes in America did (upon the Death of Samuell Trott Eſq^r^) depute, and appoint this Depon^t^ to be Collector of his Majeſties Cuſtomes in theſe Iſlands, and in Order to his qualification, he the ſaid Randolph preſented this Depon^t^ as ſuch an Officer unto his Excellency Samuell Day, Eſq^r^, the preſent Governo^r^ and deſired that the uſuall Oaths might be Adminiſtred, compleatly to qualify him for y^t^ Office, But the Governour flew into a paſſion, and did ſtrangly abuſe y^e^ ſaid Randolph, calling him Old Dogg, Old Rogue, Villain, Raſcall &c. threatning to pull off his Noſe, and to make his Body ſmart, and make him a perticular Example to all Such Buſy Rogues as he was before they parted, ſaying that he would make him Know his Duty for that he had nothing to do here, but to inſpect ye Officers accounts, and to make Report home, & to be Gone about his Buſineſs And the Governo^r^ further ſaid, that he had, or would appoint a Collector, and ſwore

ſwore the ſame ſhould ſerve, let who would ſay the Contrary, For that the King had Given him Authority, therefore he valued not the Commiſſioners of the Cuſtomes, with a great deal of Baſe, Scurrilous Language, which this Depon: was aſham'd to hear, Eſpecially from a Governor, Altho' Mr Randolph ſeemed undiſturbed, Anſwering without heat or Paſſion, Uſing a modeſt way of Speaking free from Reflection, or any expreſon which might raiſe his Paſſion.

The next day the Governor called his Councill, and Mr Randolph was ſummoned to appear before them, But ye Court was Private, none being ſuffered to hear what was Charged againſt him, But Mr Randolph preſently came Down in the Sheriffs Company, and was immediately clap'd into priſon, upon which he Petitioned for a ſpecial Court, but yt would not be allowed, And on Monday the 23o of May, Roger Crane ye Sheriffe (being the Governours near Kinſman) came to Mr Randolph (this Depon: and Mr Charles Walker being preſent) and did demand of Mr Randolph the Priſoner, the ſum of thirty pieces of Eight, Otherwiſe if he refuſed to give him the Money he ſwore he would put him the ſaid Randolph into the Naſty Dungeon where he ſhould ſee neither Sun, Moon, nor Starrs, which he the Priſoner was forced to Comply withall, for fear of periſhing, as this Depon: did verily believe, and this Depon: and Mr Charles Walker, did then and there actually pay unto the ſaid ſheriffe the thirty pieces of Eight afore mentioned, And the ſaid Sheriff did then Oblige Mr Randolph to Give from under his hand That the afore ſaid money was not forced or Extorted from him, but yt he the priſoner freely and voluntarily gave it to him, as a Gratuity for his Kindneſs and Civility,

as

as this Depon: then underſtood it, And on or about the 7th of June following, This Depon: and the Aforeſaid Walker by Writt of Habeas Corpus Bailed Mr Randolph out of Priſon But he was no ſooner diſcharged from the Officer But ye Governour in perſon, came into ye Company and did Order the Chief Juſtice Nelſon (before whom he was then Bailed) to committ him the Second time, for much the ſame Matter, as this Depon: Apprehends, And the ſaid Governour did then and there declare He had not done with him by Abundance, So that Back to priſon Mr Randolph was Illegally hurried. That on Thurſday ye 13o of July was held quarter Seſſions, and After 8 or 9 weeks cloſe impriſonm: Mr Randolph was brought to his Tryall, and neither a Coppy of the Indictm:, nor a Liſt of the Jury would be Allowed him altho' lawfully Demanded by this Depon: The Governor in perſon there Appeared declaring he was Plaintiffe, and did overaw, and direct that Court, and ſate there Judging Matters in his Own Caſe, and Mr Randolph as the worſt of Criminalls was brought to ye Barr, and he then and there deſired a Coppy of the Indictm: and time allowed to Traverſe the ſame, But the Governor, together with Judge Nelſon, overawed the Court, and Compell'd him to come to Tryall, and the Court proceeded in their Charge againſt him and likewiſe ſome Affidavits (partly by force and Compulſion) Sworn unto by a Young Boy, with a Great deal of unwillingneſs, Then Mr Randolph deſired to be heard, and was about to produce ſeverall Papers and Orders and likewiſe direcc̃ons from the Lords Commiſſioners, and to ſhew ſeverall Statutes in his own Defence, But the ſaid Governour, and Nelſon would not ſuffer anything to be read, Neither

Neither would they permitt him, Nor any other perſon to ſpeak for him, for this Depon^t moved the Court in Mr Randolphs behalf deſiring he might have the Benefitt of an Engliſh ſubject But the Governour in a paſſion Aroſe up and called him Rogue, and Raſcall, and threatned to lay him by the heels ſo that Nothing being ſuffered to be ſaid, produced or urged on Mr Randolphs part, the Jury went out, and immediately return'd a verdict Guilty, upon which the Court proceeded to A fine, which was preſently agreed fifty pounds, and by Order of Court was Committed to priſon again, untill the ſame ſhould be paid.

That about the 10th of Auguſt 1699 this Depon^t waited upon Judg Nelſon on Mr Randolphs behalfe, and by his Order who Apprehended his buſineſs, called him to ſome other part of America, And then propoſed to him the payment of Mr Randolph's ffine, and other Incident Charges, after this following manner.

This Depon^t offered his Bond with good ſecurity for paym^t of the Money 4 or 5 daies after Mr Randolph had departed theſe Iſlands, who then was deſigned ſpeedily for Providence, and he likewiſe told him the Reaſon that he would not pay the Money Down was becauſe Mr Randolph was Impriſoned upon a Second Committm^t as well as for the 50^li ffine, and alſo that he this Depon^t had heard the Governour ſay That he had not done with Mr Randolph by Abundance, So that After he had paid One ffine, if he ſtill Remain'd upon this place, he might be taken up de Novo and ſo never make an End of paying, But the Judges anſwer was, he ſhould not be Diſcharged without the Money down, for the King never made any Diſputed Debts for

 ffines

ffines already paied, Therefore M.r Randolph Continued a priſoner a Conſiderable time longer, for Cap.t Stow who brought their Excellencies the Lords Juſtices Order Mentioning his Diſcharge Arrived here the 22.o of December, And M.r Randolph was Diſcharged the 30.th [3?] of January following.

SAMUELL SPOFFORTH.

Sworne the 31.o of January 1699
before us
Anthony White
Edward Jones.

[*Endorſed*]

Depoſition
of
Sam̃ : Spofforth
Coĩa

Memorial of
Ed : Randolph.

Mem.l from M.r Randolph, relating to his Services & ſufferings.

Rec.d 20.th } June
Read 26.th } 1701.

RANDOLPH'S NARRATIVE OF HIS SURVEY.

Board of Trade, Plantations General, 5 (D 49), 5 Nov. 1700.

To the R.t Hon.ble y.e Lords Comm.rs for Trade.

A Narrative of my Survey made in ſome of his Maj.ties Collonyes, & provences, on y.e Continent of America and Iſlands Adjacent; Is humbly p.rſented by Edward Randolph.

May it Pleaſe y.r Lordſhips.

1697. Nov 8.o I ſaild from Cowes in y.e ſhip ſpeaker Jn.o Lidſton Maſter.

I

Decr 16° I Arriv'd at Annapolis in Maryland, The next day a great froſt begun which laſted above 10 Weeks.

24° I gave Deputacons, with ye Approbation of Col. Nicholſon the Govr of the province, to y^e ſeverall perſons following

vizt To Wm Bladen, to be Collect^r at Annapolis, and Pts Adjacent on ye Weſtern Shore, in ye Roome of Henry Wriotheſley, who was Remov'd from that Town 20 Miles Diſtant to another Employm^t

To Tho: Collier to be Collect^r at Williamſtat on ye Eaſtern ſhore.

To Wm Wivell to be a Rideing Survey^r at ye head of Saſſafras, Bohema, and Elk Rivers in ye Roome of Jno Thompſon, To p^rvent ye Illegall Trade, Manag'd over land to & from Delaware River to Maryland; not being Diſtant Above 10 Miles.

To Edwd Price to be Surveyor, & Sercher at Pocomoke in ye Room of John Daſhell at Wiccacomaco, & Munni who liv'd at too great a Diſtance to p^rvent ye Illegall Trade Carry'd on where ye Boundaries of Maryland, & Virginia meet.

They all Gave Good Security Approv'd off by ye Govr and Sworne by him.

Jan 7° I then purſuant to ye 5° Article of my Inſtructions Relateing to Recompence Stanberry Maſter of y^e ſhip Two Brothers 60 Tun, and David Robinſon Maſter of y^e ſhip Swan of New England who Carry'd Tobacco from Potomack to Scotland Directly; Wrote to Wm Dent Naval Officer on Maryland Side

Side, and to Col. Richd Lee Naval Officer on Virginia Side of that River vigorouſly to proſecute their Bonds, and Seize their Ships if they Came into their Diſtricts. But not haveing been ſince that Time in Maryland, I know not what has been done therein.

Jan. 1697. 11o. I Together with ſome of ye Councel, Adminiſtred ye Oath to Col. Nicholſon ye Gov.r at Battell Town upon Patuexnt River, being Sumon'd to Attend for that purpoſe.

21o I ſent by my Serv.t ye Commiſſion, and ye Great Seale (for ye Adminiſtring ye Oaths to ye Gov.rs in ye plantacons) To Sr Edmund Andros at James Town in Virginia not haveing time to Goe myſelfe Thither, and Returne time enough of Land to be at Philadelphia to adminiſter ye Oath To Mr Marckham, Mr Penn's Deputy before ye 25e of March following as ye Law directed. I Likewiſe Sent by him a Deputacon to Jno Waſhborne to be Survey.r & Sercher at Cape Charles; Another to Sam.l Swan to be Collect.r at Paquimons in Roanoak, And another to Chriſtopher Merchant to be Collect.r at Currituck in North Carolina, and ſent Letters by him to All ye Collectors in Virginia to put all forfeited bonds in ſuite.

March 2o The froſt Brake up, So yt with ſome Difficulty I went from Annapolis over ye Great Bay to Cheſter.

9o After a Tedious Jorney I Arriv'd at Philladelphia.

17o I adminiſtred ye Oath to Mr Marckham, Mr Penns Deputy Gov.r, and Demanded All forfeited bonds, The

The Secy Delivd me (by Mr Marckhams Order) Jno Deplovys bond of 1000£ (Who was Security wth Stephen Black leech) Forfeited for Carrying Tobacco Directly to Scotland; And Alfoe one other bond of 500£ Given by Wm Clark late Collect of yt province Forfeited for his not paying his Majtys Moiety of Tobacco Ship'd to the other Plantacons.

18° I would have put them in Suite, & Arrefted Deplovy, but David Lloyd a Quaker ye Attorney Genl Refufed to doe itt Neither would Mr Marckham Appoint Another Perfon to profecute them, As to Clarks bond, he told me I was not Impower'd to take a bond from him, and nothing fhould be done therein, So that findeing I could have no Juftice done his Majtie I was forced to make up wth ye other Collectrs upon as good Termes as I Could.

March 28° He Refufed to deliver ye bonds of Sevll perfons which I had Difcover'd were Forfeited.

Apr. 7° I went from Philadelphia, and Adminiftred ye Oath to Mr Bafs Gov of ye two Jerfies, at Bridlington in Weft Jerfey, And then Order'd Edwd Hanlock the Colect to put in Suite Wm Rightons, & Maurice Trents (a Scotchmans) bond of 1000£ for not produceing a Certifficate from fome port in England That Divers Goods Imported by him into Delaware from Scotland had been firft entred in England.

22° I was Directed by ye 11° Article of my Inftructions after I had Adminiftred ye Oath to ye Gov of Virginia,

Virginia, Maryland & Penſilvania ye firſt Oppertunity of wind & wheather to Tranſport myſelfe to Bermuda, and Carolina, But ye Swift Frigatt Orderd for my Tranſport being Drove out of James River in Virginia, and Run a Shore at North Carolina, & Deſtroy'd by ye Inhabitants, Finding no Veſſell in Philadelphia bound to either of thoſe places I went from thence by Land to New Yorke in hopes to gett A paſſage from thence, and found a Bermudas Sloop newly Ariv'd that would Return in a few weeks, one Capt Moon Comander, I took my paſſage upon him, and Survey'd ye Cuſtome houſe books in y^t^ port, And Took An Acc^t^ of all ye Enumerated Comodities Imported there from his Maj^ties^ other Plantacons; And Directed ye Officers That none of them ſhould for ye Future be ſhip'd Off to Newfound Land, as had been ye practice there, and in other plantacons. There were no Forfeited bonds in ye Office. I found a Great Trade Carry'd on from thence by ye Dutch to Caraſaw, & Madagaſcar. I there Diſcovr'd, that Mr Markham had Rec^d^ 80£ of Timothy Aſſhembow M^r^ of Col. Heathcoats Brigantine Call'd ye Loyal Factor, for his Diſchargeing her without Tryall After ſhe was Seiz'd at Newcaſtle by his own Warrant to Robert Webb ye Collect^r^ for Takeing on board About 40 hogſhds of Tobacco before bond Given, After ſhe was brought from thence to Philadelphia, in Order to be Tryed.

May 18. I went to Amboy in Eaſt Jerſey from New York & ſeiz'd the ſhip Heſter of Lond^n^ Joſhua Hubbert Maſter

Maſter for Unlivering Goods not being firſt Regiſter'd, She was ſometime After diſcharg'd by Court of Admiralty at New york where I was at charges to proſecute her.

19ᵗʰ I was Arreſted in New York by Lancaſter Syms for Seizing and ꝑſecuting yᵉ Barke Elizabeth of Berwick, Jnᵒ Edmiſton Maſter at Potomack in Virginia for ꝑduceing a Forged Certifficate, and Takeing Sevˡ hogſhds of Tobacco Aboard before Bond Given. I was put to charge to defend myſelfe at New-york.

21ᵗʰ I went from New York to Sea towards Boſton.

24ᵗʰ I Ariv'd at Road Iſland Where Robˡ Gardiner was Deputy Colectʳ Under Mʳ Brenton, I took an Accˡ of All Enumerated Comodities Imported, And Directed him a Method how to keep his Books.— They plant Tobacco there.

26ᵗʰ I Came by Land to Boſton where Lawrance Hamond was Deputy Collectʳ under Mʳ Brenton, & Ralph Harriſon Comptrolʳ I took an Accˡ of All plantacon Goods Imported, And found by an Accˡ from Capˡ Hamond, That from yᵉ 12ᵗʰ of April to yᵉ 14ᵗʰ of July, 14 Veſels Enter'd out from Boſton to Newfoundland.

Ditto. During my being there, a Tryal was had of a Seizure of Goods by Mʳ Brenton belonging to Coˡ Shrimpton, & Mʳ Serjant one of yᵉ Councel, Who ſat Judge upon yᵉ Bench whilſt his own cauſe was Tryed.

I am Lately Inform'd that Major Waite Winthrop

throp one of ye Councill at Boſton a Practicon^r in Phyſick is Apointed ye Judge of ye Court of Admiralty Inſtead of Mr Nathaniel Byſeild Who is Strict
1698 for ye Obſervacon of ye Acts of Trade, And had therefore a Comiſſion Under ye Great ſeale of ye Admiralty Sent him for that place, Beſides Maj^r Winthrop is ye Proprietor of Elizabeth Iſland, from whence ye Tobacco brought thence from Virginia is Carry'd to Scotland; And Alſoe that Hugh Shannon a Great Promoter of ye Illegal Trade is made ye Naval Officer. So that now All Matters, Are Contriv'd for Carrying on ye Illegal Trade there wth ſecurity, Several of ye Memb^rs of ye Councill being cheifly Concern'd therein.

June 8° I went to Salem where Benjamin Gerith [Gerriſh] was Deputy Collect^r under Mr Brenton, and took an Acc^t of plantacon Comodityes Imported there.

13° I went to ye province of New hampſhire Pheaſant Eſtwich is ye Deputy Collect^r und^r Mr Breton from whence Likewiſe they Trade to Newfound Land. I took a Copy of Nicholas Fallets bond Maſter of ye Sloop Mary, & Wm Partridge Eſq^r Leiv^t Govr of New hampſhire his Security of ye 1st of Aprill 1698. of 1000£ Forfeited for Carrying Sugar, & 15 hhds of Tobacco to Newfound Land, and not produceing a Legall Certifficate to Diſcharge it.

20° I went from Boſton by Sea to New Yorke that I might ſee All ye Iſlands Lying 2 or 3 Leagues off Road Iſland where are good Harbours, and ſmall Veſſells bring thither Tobacco from North Carolina Virginia

Virginia &c. Which is put On board Ships bound for Scotl^d Holland & Hambro, who there diſpoſe of their Cargoes of Scotch Goods, Hollands Duck, & Cordage &c. They are Nantuckett & Marthas, or Martins Vineyard being Indifferantly well Inhabited, and Elizabeth Iſland belonging to Mr Winthrope at Boſton hath ſome Inhabitants, Fiſhers Iſland About one League off ye Mouth of New London River that belongs to Col. Fitz Winthrop then ye Govr of Conneticot Colony, There is but one Houſe upon it, The more Convenient to Conceale prohibited Goods. I went on ſhore and found ſome Small pieces of packing Cloath, and Color'd Calico in ye houſe where Sev^l packs of Eaſt India
1698. Goods had been kept, and Remov'd from thence to Boſton of which Capt Culliford Comand^r of his Maj^ties Frigott the Fowy who had a Deputacon from me can fully Relate.

July 1° I Arriv'd at New Yorke.

Moon ye Maſt^r of ye Bermuda Veſſell had taken in a Great Quantity of Eaſt India Goods at New Yorke, & would not let me have a Paſſage upon him to Bermuda.

9° Mr Coker Collect^r of ye Cuſtomes, at Amboy, & Comptroller at New York dyed there.

I then Deputed Cha: Goodman, Collect^r at Amboy, and Tho: Palmer Comptroler at New Yorke.

12° Finding no Likelyhood of a Paſſage to Bermuda I apply'd to ye Earle of Bellamont for his Order to Capt Culiford to Cary me Thither in ye Fowy Fri-

 gott

gott ſo ſoon as he was Return'd from Road Iſland. His Lordſp Accordingly gave me his order, But ſhe was Directed to Returne forw^th^ to England by Order from ye Admiralty.

19. I went to Philadelphia, & preſſ'd Mr Markham to Apoint a Court for Tryal of Deplovys bond, But 'twas Deny'd.

I then propoſ'd y^t^ ye Comiſſion for Adminiſtring ye oath to ye Gover^r^ of that province might be Lodg'd in the hands of the perſon firſt Nam'd in ye Comiſſion But that Could not be Obtain'd, Some Little time after Mr Penn Sent a New Comiſſion to Mr Markham then ye Govr, to be Liv^t^ Govr of ye province, He was Sworne by a Few of ye Councill being Quakers, and one of ye Comm^rs^ Mr Bewley ye Collect^r^ being p^r^ſent.

28. I was then Affronted by Patrick Robinſon ye Secry of the province groſly, For ſaying in my papers to ye R^t^ Honble ye Lords Comittees of ye houſe of Lords, That he was a Scotchman.

30. I Went to Mr Markhams houſe, & Enquired whether Mr Penn had Sent him his Majtyes Order in Councill Approveing him to be ye Liv^t^ Govr of that province, before his Entering upon ye Governm^t^ he told me 'twas not my buſineſs to aſk that Queſtion, He then Demanded of me Deplovy's & Clarks bonds which I had left wth Col Quarry to be pſecuted So Soon as ye Court of Admiralty ſat, He Comitted me to ye Cuſtody of a Conſtable, & Threatned to keep me in priſon till he had the bonds in his

his keeping. Whereupon being Unwilling to be Stop'd my Jorney to New Yorke I ſent to Coł Quarry for ye bonds who deliv^d them to him, and I was at Liberty.

Augt 2^d I Arriv'd at New York from Philadelphia.

4° I Seiz'd 9 hhds of Tobacco newly Landed from Philadelphia Some whereof Weigh'd Above 750^l becauſe they had not paid ye full Duty, I gave ye Collect^r Notice of it, and Directed him to be Strict in ye Weight of Tobacco Ship'd from ye Plantacons.

Sept. 29° Haveing Notice that M^r Maſſey ye Collect^r of Lewis dy'd ye 13° of Auguſt 1698, I Gave a Deputacon to Edwd Price dated the 29° of Septem following to be Survey^r & Sercher of his Maj^ties Cuſtomes at Lewis Including y^e ſmall Rivers of Mother Creek; Dover, & Duck Creek where is not Above 6, or 7 foot at High Water, To p^rvent ye Shipping Off Tobacco from ye Three Lower Countyes of Newcaſtle, Kent, & Suſſex untill ye Maſt^r had enter'd, & Clear'd his Veſſell at ye port of Newcaſtle. And none to be ſhip'd Off at Lewis, That ye Tobacco Sent to ye Plantacons might be weigh'd before it was put on board; It haveing been a Comon practice for Maſters of veſels after they have clear'd wth ye Collect^r at Philadelphia to Lye at Dover, or Some other Creek, and have ye Tobacco brought, on board them in ſmall boats as was practiced by Guſtavus Hambleton & others.

30° I Seiz'd ye Sloop Flying horſe of Antegoe, Caleb Peck Maſter for Importing 10000 W^t of Sugar into New

New Yorke and not produceing a Certificate That bond was firſt Given. But upon ye Maſters produceing a bill of Store from Rich^d. Buckridge ye Collect^r. I did forbear to pſecute him.

Novr. 4°. Being very Lame I left New York, and went in a
1698. ſmall Sloop to South Carolina.

Novr. 28°. I Landed at South Carolina.

Decr. 12°. I Gave a deputacon to Jnothan Amory to be Comptroler in ye Roome of Tho: Price who dy'd in Maryland Feby. 1697.

13°. I Adminiſtred ye Oath to M^r Joſeph Blake ye Govr.

27°. I Deliv'd ye Comiſſion, under ye Great Scale of ye Admiralty to M^r Joſeph Mourton to be Judge of that Court in the province, He was then Sworne, Mr Tho: Cary Apointed ye Regiſter not being Qualify'd for that Truſt (as ye Govr. and Mr Mourton told me) and Rich^d. Bellinger the Marſhall being Dead, I wrote to Col Nicholſon Govr. of Virginia, and Recomended Jno. Beresford to be the Regiſter Inſtead of Mr Cary, and Edwd. Rawlings the Marſhall in Bellingers place, But Nothing was done in it when I was laſt there, Beſides Rawlings is Dead, And I did Intend to Get Jno. Collins ye p^rſent Marſhall to be Confirm'd by Col Nicholſon's Comiſſion who is Impower'd by his Comiſſion to fill up the Vacanceys in ye Court of Admiralty in Carolina.

Jan. 13°. So Soon as I Arriv'd purſuant to ye 9° Article of my Inſtructions, I Enquired into ye Matters Complain'd of in Mr Peter Jacob Guerards Letter to ye Comm^rs of ye Cuſtomes, Ag^st. Mr Jno Archdale ye late Govr.

Gov: and Mr Tho: Cary his Deputy or Secry of ye province for Encouraging, & Countenanceing Illegal Traders in that province, And upon Examinacon of sevll persons upon Oath Sworn before Mr Bellinger who was Impower'd Specially by ye Govr to that province.

I finde ye Matters therein Charged About their Entertaining and Countenanceing Simon Triſtant Mr of ye Sloop Succeſs of St Thomas (a Frenchman) Fulley prov'd, As alſoe ye Sevll Articles Exhibited Againſt him Relateing to his Conſent of ye Sale of the Whole Loading of Sugar from Jamaica
1698. by —— Day Maſtr of ye Ship Kent of Briſtol, And That Mr Guerard was at Great Charges in proſecuting Triſtant & others for which he had no allowance.

I Did Likewiſe pſuant to ye 4th Article of my Inſtruccons Relateing to ye Seizure of ye Sloop Succeſs of New York Peter Jollins Maſtr made by Mr Guerard at Carolina for not being Navigated According to Law, Examin all ye Allegacons on both ſides, And Did finde that ye Negro Boy Jack was ſent Tither for Marchandizes, And thereupon on Jollins Securitys bonds were by ye Govr Blakes Advice Deliv'd up.

Jan. 24. I then gave a Deputacon to Mr Tho: Broughton to be Collectr at Carolina in ye Room of Mr Guerard who was Unwilling to Serve any longer in that
1699. Office.

Mar. 27. I ſail'd from Carolina to Bermuda.

Apr. 4. I Landed & Waited upon Gov: Day, & Acquainted

quainted him That I had brought a Comiſſion Directed to myſelfe, and others to Admin.r to him an Oath for his true Obſerveing y.e Acts of Trade, He told me he was Sworne by a Dedimus (which he Show'd me) Directed to ſome of y.e Company he Carry'd over with him before he Enter'd upon y.e Governm.t

I went to ſee M.r Trott y.e Collect.rs books, He was full of pain by an Inward hurt he Got whilſt he was made priſon.r by Col. Godderds Warr.t, and turn'd out to Get his Nephew Brook to be Collect.r in his Roome, His Books (by his Often Impriſonm.t were out of Order, I Directed him how to keep them for y.e Future.

I was About that time Inform'd by M.r Trott, That Iſaac Richeir Eſq.r late Gov.r of Bermuda was part Owner of y.e Sloop Succeſs of Bermuda with Jn.o Devereux, Comand.r & pt owner and Carry'd on an Illegal Trade w.th Devereux to Scotland &c. Which at my Second Arrival in Bermuda I found fully prov'd.

15.o I put my Nĕſſarys Aboard a Brigantine bound to providence Intending to Returne upon her in a Little time to Bermuda, The Merch.t haveing promiſ'd me to ſtay 3, or 4 Dayes till I had Diſpatch'd, But Fearing to be Stop'd he went away without my Notice, and Carry'd with [him?] Sev.ll of my Things.

20.o I Deliv.d y.e Comiſſion for Adminiſtring y.e Oath, and alſoe the Comiſſion for y.e Gov.r of Bermuda to Appoint

1699. Appoint Officers in the Court of Admiralty when wanting, To Mr Minors the Secry, as by his Receipt Appears.

Apr. 28. I had my Deputacon Recorded, and would Likewise have had ye Third Article of my Instruccons (Impowering me to Appoint Officers in case of Vancyes) to be Registred, But ye Gov.r (then in ye Secrys office) would not Allow it to be done after he had pus'd it, Saying his Maj.tie had given ye Gov.rs of Bermuda power to place, & Displace Officers of ye Customes as they pleas'd. 'Tis what has been done to Mr Trott by S.r Rob.t Robinson & by his Successors, To his damag'd, [damage] And Greater Disservice to ye Crowne.

May 8. I was Inform'd by Mr Trot that Gov.r Day had given Leave to John Waterland Mast.r of ye ship, John and Hannah of Hull (Who Arriv'd in January 1698) to Unliver without Entry with ye Collect.r

I Examin'd ye Naval Officers Book, But found noe Entry of that Vessell made with him; He told me That it was the Govern.rs please it should be soe; But it Cost ye Mast.r in p.rsents & Money 30£ before he could get out.

10. Mr Trott ye Collector dyed.

15. I Deputed M.r Sam.l Spoferth to be Collect.r in his Roome, and went with him to be sowrn by the Gover.r, But we were both Treated with Bitter & Revileing Language.

16. I was Sent for to Appear before the Council, and Sent from thence a prisoner to ye Comon Goale Where

Where I was kept Above 32 Weeks under Strict Confinem^t

June 8°. I mov'd by Habeas Corpus for my Liberty which was granted upon my being bound by Recognizance to Appear at ye Next County Court, and paid my fees, But I was presantly Comitted to Goale by a New Warrant from Mr Nelson ye Cheife Justice.

The Sloop St George of Bermuda Danl Johnson Jun. M^r from the Leeward Islands was Seiz'd Part of her Loading of Scotch Linnen &c. was Embezill'd by ye Governñ, & Mr Brooks ye Collect^r before Tryal, And afterwards the Goods (Which ye M^r pd at first Cost about 872£ besides ye Sloop worth Above 300£) And ye sloop were Apprais'd at 450£ 10^s. By which means his Maj^ties 3^d part there (as lately
1699 at Carolina by Mr Blake the Govern^r) came but to little.

July 13°. I Appeard According to Recognizance at ye County Court And was fin'd 50£, and Comitted to prison, There to Continue till I paid ye fine.

Sept. 7°. I then Rec̃ed a Letter of ye 17° of Oct. 1698. from ye Comm^rs of ye Customes under ye Earle of Belamonts Cover by ye way of New Yorke.

Decr 7°. Upon my Petition to ye Court of Assizes, & Goal Delivery for a Habeas Corpus to be brought into Court, To make Answ^r to what I was Charg'd withall, Instead whereof I was Discharg'd from my Imprisonm^t by Mr Nelsons Warr^t But Continued a prison^r for ye fine of 50£.

22° I Rec̃ed their Excellencies ye L^ds Justices Order in

in Council Dated at White Hall 20.° of July 1699 and alſoe a Letter from yo.r Lordſ̃ps for my Enlargm.t But y.e Goverñ would do nothing in it till his Council met.

Jan. 1.° The Council met, but becauſe 't was Holly day did nothing.

2.° They met, and after much Conſultac̃on About y.e fine of 50£ they ſent me a Diſcharge by their Sec̃ry, Directed to M.r Crane y.e Sheriff.

3.° After preſſing upon me for his fees, & Security for y.e 50£ Seeing I would do nothing in it he Releaſ'd me.

I That day Seiz'd y.e Sloop Borecatt, als y.e Pruden Jane als y.e bleſſing of Which y.e Goverñ was a 3.d p.t owner for Car̃ying Tobacco from Bermuda to Carolina directly.

9.° I Exhibited an Informac̃on in y.e Court of Admiralty Againſt her.

Upon y.e Petic̃on of Crane, & Gilbert y.e Def.ts y.e Court ſat M.r Nelſon being Judge there ſhe was Clear'd, Becauſe (Tho' I prov'd y.e Tobacco on board) I could not make Appear That it was put a Shore at Caraſaw, I thereupon Appeal'd and it was Granted, But y.e Judge Refuſ'd my Motion, That the Def.ts ſhould give Good ſecurity to pay y.e Value of y.e Sloop & Charges in caſe y.e Judgm.t was Reverſ'd.

25.° Inſtead whereof he Granted Execution Ag.st my Goods for y.e Charges, Tho' y.e Court was Call'd at y.e Inſtance of y.e Defend.ts

Mar. 1699. 29 I Sail'd in a ſloop from Bermuda to Providence But in leſs than 4 hours we Run upon ye Rocks, and Sprung a Great Leake, The Wind p^r venting our Getting into a harb^r beſides ye Maſt^r would not goe into a harbour for fear of being ſtop'd by ye Govr for fees, So that we Pump'd ye whole voiage, nigh 300 Leagues for our Lives, Till it pleaſ'd God we Arriv'd at Providence.

30 I Landed at Providence where we found out ye Leake.

31 I Adminiſtred ye Oath to Mr Read Elding The Deputy Govern^r by Deputacon from Col Webb the late Govr only. He is by ſome Charg'd with piracy Comitted upon a Brigantine of New Engl^d bound from Jamaica to Boſton with money &c.

Apr. 1700. 3 Upon his Informeing me that ye Sloop W^m of Providence (Which not long before brought in a Rich Cargo of Eaſt India Goods from St Thomas, and Clear'd by a Pack'd Jury) Richd Birchet Maſt^r was Gon to ye Iſlands to Load Brazilett before bond Given; And findeing Mr Graves ye Collect^r in Great Friend Ship, with Mr Lightwood pt owner: I deputed Mr Tho: Walker (a Man of Good Eſtate in Providence) To be Survey^r & Sercher &c Directing him to Seize her, Which I Since hear he did Accordingly, But ſhe was Clear'd by ye Govern^r Favour.

6 Being well Inform'd That Jno Warren Maſt^r & Owner of ye Brigantine Happy Returne of Providence had not long before taken 80 hogſhds of Sugar

Sugar Aboard at S: Chriſtoph^r And Carry'd them Directly to Caraſaw where they were put Aboard a Ship bound to Holland, I forthwith gave Notice thereof to Col Norton the Govr, and alſoe to Mr Meerſe ye Collect^r That Warrens bond might be forthw^th proſecuted, Deſireing Mr Meerſe to give an Acc^t to ye Cuſtome houſe what he had done therein ye next Oppertunity That Sugar not being Landed at Providence as by Warrens p^r tended Certifficate ſent Mr Meerſe from thence to diſcharge his bond.

Apr. 9^d. The Collect^r Deliv^d me his Acc^ts of ye Dutyes he has Recēd on Brazelett and Cotton ſhip'd from thence to ye plantacons.

14^d. I ſail'd in a very Small Sloop from Providence to Exuma Lying in 23, & 30, N: Lat: Diſtant 60 Leagues from providence The Inhabitants Cut Brazelett there, and on ye Neighbouring Iſlands a Great part whereof is Carry'd Directly to Caraſaw Yearly.

28^d. I ſail'd from Exuma to South Carolina 200 Leagues from Providence.

May 10^d. I Arriv'd at Carolina haveing Narrowly Eſcap'd ye Pyrates being not Above 7 or 8 Leagues to ye Southw^d of ye Harbour that day we gott in.

I ſent from thence by a veſſell bound to Boſton to all ye Collect^rs on ye Continent to make a particuler, and Exact Entry of all Enumerated Comodities Imported into their Reſpective Diſtricts from any of his Maj^tys other plantacons, and ſent them a Coppy of

of ye Specimen hereto Annex'd, Makeing thereby one Collect^r to be a check upon another.

31° I had much adoe to Get ye Acc^t Current of the Cole, and Bean Gally from Mr Blake ye Govern^r He sent me ye pticular Acc^t Amounting to 461. 5. 0¼ Containing very Extravag^t Articles of Charges, That in case ye Judgm^t Against her should not be Reverf'd his Maj^tys 3^d will come but to a very Little, According as he has practic'd in other Seizures. For ye Govr Obliges ye Collect^rs to give him Security to pay his Maj^ties 3^d pt of ye charges before they Receive any pt of them. I Demanded of him ⅔ of 80£. which he got of Wm Joell Mast^r of ye Sloop Success of Bermuda upon a Clandestine Composicon Haveing Seiz'd his Sloop because she was not Register'd, But he told me I ought to have it of ye man, Joel pd ye 80£ to. He Likewise Caused ye Sloop Joseph (now a Brigantine) of Carolina, Anthony Mathews Mast^r from Guinny to be seiz'd Under a p^rtence she was not Register'd, But upon ye owners promiseing him 50^s he took off ye Seizure ⅔ whereof is due to his Maj^tie

He Put Mr Nicholas Trott out of his Naval Offi-
1700. cers place Tho' Approv'd off by the Comm^rs of ye Customs And has given good security at the Custome house for his Fidelity, and put in Another who is a Great Dealer, & his Intimate; He would not Alow the Legal Collect^r to Officiate because [he] was not Quallify'd by an Oath, Yet Continu'd his own Collect^r in ye Office, tho' he

was

was not ſworne, nor had Given bond as ye Law Requires.

June 20th I left ye officers Eaſy for ye preſant Tho' not long before ye Govr Threatned to diſplace them, if they did not clear ſuch veſels as he Directed.

Findeing no Oppertunity of Goeing from Carolina to Virginia (as I always Intented) I went to Bermuda in hopes to get a paſſage from thence not haveing as Yet Viſited Virginia nor North Carolina where Mr Marchant ye Collect^r^ at Curretuck dyed in Novem. 1698. and another man is wanted there.

July 1st I Ariv'd at Bermuda where findeing no Likelyhood of Getting from thence to Virginia till next ſpring (And that by Accident) They haveing pleanty of Indian Corne I took ye preſent Oppertunity of the ſhip Mary-Gold bound to England Directly, In Order to Get to Virginia before the Winter ſets in upon that Coaſt, Or otherwiſe Where and When, as to y^r^ Lordſ̄ps ſhall Seem moſt Neſſeſſary for his Maj^ties^ Service.

I Rec̄ed a Letter from ye Cuſtome houſe of ye 21° of July 1699. by way of Guinney & Jamaica by Capt Kempthorn under Cover from Sr Wm Beeſton.

I was taken in Execution for 16^£^ 1^s^ 0^d^ for ye Charges of ye Court of Admiralty For Trying ye Sloop Bleſſing, — Notwithſtanding my Lawyer had ſhew'd Mr Nelſon that Clauſe in 14° Car. 2^d^ whereby ye Officer may plead ye Gener^l^ Iſſue, and ye Court is Enjoyn'd to Allow y^e^ ſame before the Execuc̄on was

Deliv^d^

Deliv^d to the Sheriff; Yet I was forc'd to pay ye Money, The Judge Saying he would take no notice of itt.

No^br 5. 1700. All which is humbly Submitted by

ED. RANDOLPH.

[*Endorsed*] Plantations General.

Mr Randolphs Narrative of his Survey in the Plantations on the Continent of America and the Islands Adjacent from the 8th Novem^r 1697 to the 1st July 1700.
Rec^d Novemb^r ye 6th 1700.

PAPER OF RANDOLPH; LOSS OF REVENUE FROM TOBACCO, &c.

State Papers, Board of Trade, Plantations General, Vol. 5, D. 48, 5 Nov. 1700.

To the Right Honble the Lords Comm^rs for Trade.

A Paper Humbly presented, Shewing the Great Loss of [*sic*] his Maj: sustains in the Revenue of his Customes upon Tobacco, Carryed from his Maj^ts Plantations on the Continent of America to his Maj^ts other plantations where far greater Quantityes are Yearly Imported than the Consumpcon of those places Require from whence a Great part thereof is Carryed to New found Land, Scotland & Directly as also some Proposalls for preventing the same for the Future.

North Carolina. The Inhabitants of that place, And those who Live upon the Southern Bounds of Virginia Adjoyning to the Inlet of Carrituck (where is no settled Officer of the Customes) Run there Tobacco Aboard small Vessells,

Veſſells, there not being Above 8 foot at high water, & a Bard [barred] Harbour) and Carry it to New England New Yorke &c: Or Land Great part of it at Martins Vineyard, or at Elizabeth Iſland where it is Houſed, not paying the Collect^r if they are Diſcovered above ¼ of the Duty of the 1 penny p pound Sterl: as by the 25 of Car: 2 is Enacted, Taking Engliſh Goods, or Rum, and Sugar at 50£ or 60 p Cent in Lew of the Duty the Generallity of the people Live Cheifly upon the planting Indian Corn & Raiſing Stocks of Hogs & Cattell which were Carryed to the Leward Iſlands But ſince Tobacco has been in Demand at home, The Agents of the penſilvania Company have Encouraged thoſe whe live about Albemarl River, to plant Tobacco, which they have Accordingly done & they ſent Capt Cole in a Veſſell belonging to London to Carry it thether, But he Finding but 8 foot at High water at the Inlet of Roanoak, and the Cannell very Uncertain would not Venture in but went Directly to Take in a Loading at Virginia, So That the Tobacco planted in that province cannot for that Reaſon be Brought to England but Carryed in ſmall Veſſells to New: England &c., therefore planting Tobacco there, is by all means to be prevented Beſides on [one] Henderſon Walker (A pretended Quaker) ſucceeds Thõ: Harvey the Late Deputy Govr He is not Approved of by the Lords proprietors, And (as in many other Reſpects) a very unfitt man to govern: —

Virginia & Maryland. It has been the practice of ſome of the former Collect^rs who were great planters, And had one Moity of the Duty of all the Tobacco Carryed from thence

to

to his Maj^st Other plantations for their Collecting for his Maj^st the Moity, To Abate the Ma^r about ⅓ of their own Moity, provided they would purchase their whole Loading of them, Sometymes Coniveing at their short Entryes — As I Discovered in the Collect^rs Books at Potomack in Maryland he Charged himself with his Maj^st Moity of the Duty of 18 hhds of Tobacco paid Tho: Smith Ma^r of the Sloop Success of Bermuda, when As it Appeared by the Books of the Lord Baltamores Receiver that Smith had paid him for 80 hhds that Voyage, which he Carryed Directly to Glascoe I likewise found in the Lower District in James River that A Ma^r of A Vessell who had Loaded 100 hhds of Tobacco: for some of his Maj^st other plantations paid the Collect^rs one other 100 hhds of Tobacco for his Maj Duty: which Cost not above 2 p Cent.

Pensilvania And the three Lower Countyes on Delaware the Scotch Merch^ts [Merchants] and Others, Inhabiting that province used to Carry there Goods, out of Delaware Over Land to the heads of Sassafras, Bohema, and Elke Rivers in Maryland, where they purchased Tobacco, And paid no Duty for it Carrying it the same way to Delaware, and shipped it aboard Vessells which Lay Ready to Receive it 40 miles below the port of New Castle which was Carryed Directly to Scotland, As did Gustavus Hamilton &c. since the Time I was first at Pensilvania, There being Little Tobacco planted in those 3 Lower Countyes (as Mr Pen did About that time Aver) But upon his Comeing to Pensilvania the Inhabitants of Kent & Sussex Countys have planted Vast Quantityes, And severall familyes are Lately Removed thether

thether from Maryland, which Encourageth their planting, there has within these 2 Laſt Years been About 370 hhds Carryed from thence to his Maj^ty^ Other plantations.

Now for the Better and more Certain Diſcovery of the True Quantity of Tobacco Yearly made in his Maj^ty^ plantations on the Continent.

Tis Humbly moved That it may be Recommended to the Gov^rs^ of all thoſe plantations (as an Acceptable Service to his Maj^ty^) that they Strictly Command the Sheriffs for the time being of every County in their Reſpective Goverm^ts^ Ex Officio to Demand of every one of the Inhabitants in the month of Aprill an Acco^t^ of every hhd of Tobacco he made the precend^t^ Crop and to Return the ſame to the Govern^r^ which with a Duplicate thereof the Govern^r^ is likewiſe to Tranſmitt to the Comm^rs^ of his Maj^ty^ Cuſtomes.

New England as to the Illegall Trade in thoſe Colloneys & provinces I find that Notwithſtanding the Letters from the Com^rs^ of his Maj^ty^ Cuſtomes, to all the Gov^rs^ of his Maj^ty^ plantations on the Continent Directing them to be very Vigilant to prevent the Carrying Tobacco or any Other Enumerated plantation Cõmodities to New Foundland, Yet great quantityes are Yearly Carryed from new London and Other ports in the Colony of Connecticot; (Where is no ſetled Officer of the Cuſtomes) Coll In^o^ ffits Winthrop one of the Owners of Fiſhers Iſland (Where ſeverall Bailes of Goods from Madagaſcar were Houſed) Is Govr of the Collony, Mr Wm Partridge a Milwright is the Leiv^t^ Govr of the province of New Hampſhire, He Sent About Two Years

 Agoe

Agoe 15 hhds of Tobacco, And 600 Weight of Sugar to New found Land from that province as did Others, but the Merch^t [Merchants] in Boſton now Exceed them in that and all Other prohibited Trade, the Cheif of the Councill being Concerned therein.

There were Cleard at the Cuſtohouſe 14 Veſſells from the 12 of Aprill 1698 to the 20th of May following for New found Land, Whereby that Iſland is made a Staple of all European, and Plantation Cōmodities.

Propoſialls Humbly Offered for the more Effectuall preventing the great and Increaſing Loſs to his Maj^st in his Cuſtomes on Tobacco by the Yearly Exportation thereof from his Maj^ts plantations on the Continent of America to his Maj^st Other plantations in Far greater quantityes than the Conſumption of thoſe places do Require.

1. That Tobacco be [not ?] hereafter Exported from any of his Maj^st plantations on the Continent to any of his Maj^st Other plantations, Nor Shiped in order to be Exported Otherwiſe than in Caſk, Cheſt or Chaſe only None to Weigh Leſs than 250 Neat under the penalty of ⌐ &c. As is Enacted &c., And under the Like penalty to be Recovered in the Courts of Record &c, In any of his Maj^st plantations where ſuch Offence is Comitted or where the ſaid Tobacco, or any part thereof is Imported & In the Act for Laying further Dutys upon Sweets &c. and for the preventing Abuſes in the Importation of Tobacco.

2. That no planter or Merch^t ſhall be hereafter a Collect^r of his Maj^st Cuſtomes in any of the ſaid plantations, But that

perſons

perſons of Known and approved Abilitys be made the Officers in thoſe Diſtricts where is the greateſt Trade and Requires the Great [greateſt] truſt & care.

3. That no Collect^r doe henceforth Grant any Bills of Store for any Tobacco Carryed from the ſaid plantations, und^r the penalty of paying — for every pound of Tobacco for which he Granted the Bill of Store.

4. That all the Collect^rs of his Maj^ts Other plantations doe forthwith provide themſelves with a Good Beam, Scales, And Weights or Stillyards in pleaces where no publick Weigh Houſes are, and do Carefully Weigh all Tobacco So Imported as Alſo Other the Enumerated Cōmodities before he permitt any of it to be Carryed away or Houſed and that they Enter the weight thereof in a Book provided for that purpoſe and Tranſmitt it Twice every Year to the Comm^rs of the Cuſtomes According to the Specimen Hereto Humbly Annexed under penalty.

5. That No Navall Officer ſhall Take a plantation Bond until the Collect^r in that Diſtrict has Certifyed his Approbation of the Security in writeing under his hand, Neither Shall he diſcharge any plantation Bond upon a Certificate, produced to him for the diſcharge thereof Either from England Wales, &c., or from any other of his Maj^ts plantations, untill the Collect^r has likewiſe peruſed & Approved thereof.

6. That no Navall Officer ſhall Accept of any Inhabitant Tho' of a good Eſtate to be Security with any Ma^r of a Shipp or Veſſell who at the ſame Time ſtands bound with Another Ma^r till the firſt Bond be Diſcharged by a Legall Certifficate.

7.

7. That every Navall Officer doe once, or Oftner every Year Return all plantation Bonds with the Certifficates Annexed, which were produced for their Difcharge, And alfo all the Certificates produced to him for Veffells, which gave Bond in England &c., to Return to England &c. only into the Secretary's Office in Each Goverm^t who is to be Strickly Charged, with the Safe Keeping of them And that the Collect^r take Care that the Attorney Gen^ll Do Vigoroufly perfecute all plantation Bonds fo foon as they fhall become forfeited.

8. That no Navall Officer fhall take a plantation Bond of any Ma^r of A Veffell belonging to England, Wales or Ireland to Load Tobacco Except for a New Shipp Built in the Country And her firft Voyage Untill he produce a Certifficate from the Officers of fome Cuftome Houfe in England &c. That he has there given Bond according to Law.

9. That no Mafter of a Veffell be permitted to Clear upon Oath untill he has Received a true Acco^t of her Loading, from the mate, or Other perfons who Stowed the Veffell It has been Accuftomed for the Ma^r not to take the mates Acco^t Till he had Cleared in all the Offices and Sometimes not till they were under Saile: That all Ma^rs of Veffells Comeing into any of his Maj^ts Plantations on the Continent of America do Load & Unload at the places Appointed by the Refpective Goverm^ts to be the only ports in the Said plantations & not Elfe were under a Penalty.

10. There has been from Aprill 1698 to Aprill 1700 Above 370 hhds of Tobacco, Carryed from Philadelphia to his Maj^ts Other plantations And in as much as the greateft part of

of (if not all) the Tobacco Carryed out of the Capes of Delaware Bay is made in the ſaid Lower Counties of Kent Suſſex and New: Caſtle.

Its Humbly propoſed that all ſuch Tobacco be Entered and Cleared with the Collect^r at the port of New: Caſtle Only, And that the Officers of the Cuſtomes on his Maj^ts Other plantations, And Alſo the Collect^r at Philadelphia be Strictly Directed to ſeiſe all Tobacco brought from any of the ſaid 3 Lower Countyes for which the Ma^r does not produce a Certifficate, That it was firſt Enterd, And Cleared by the Officer at New Caſtle, Who; (as Alſo the Collect^r at Philadelphia) is to Get a Beam, Scales and Weights:

And in Regard Delaware Bay is in moſt places About 7 or 8 Leagues Over and therefore not poſſible for many Officers to prevent the Carrying Away Tobacco: (And Other Illegall Trade) from Duck Creek, Dover, &c., without the Aſſiſtance of a frigott to Cruiſe in the Bay and Seiſe all Veſſells which had not Legal Clearings from the Coll^rs at New Caſtle and Philadelphia:

The Lords of the Admiralty upon the Motion of the Comm^rs of his Maj^ts Cuſtomes did order a ſmall Frigot to be ſent to Maryland for that purpoſe And to Tranſport me from one plantation to Another; And upon Notice that ſhe was drove a ſhore & Loſt upon the Coaſt of North Carolina, their Lordſ̄pps have ſent Capt Code with Another Frigott now in Maryland ready for that ſervice when the Command^r ſhall Receive the Like ord^rs as were given to Capt Boſtock the Command^r of the Former Frigott:

Its therefore Humbly propoſed, that ſince there are far greater

greater Quantities of Tobacco Yearly made and Carryed out of Delaware then at the Time when the orders were Obtaind for a Frigott to be ſent to Cruiſe there, That the former ordr may be Renewed, & that the Frigott now Ready in Maryland may be ordered Accordingly.

Now ſince the Inhabitants of his Majs Other plantations will not Content themſelves with being ſupplyd with Tobacco for their own uſe, free from all Other Cuſtomes ſaveing the Duty of 1d p pound Whilſt his Majs Subjects in this his Majs Kingdome of England doe pay great Cuſtomes and Impoſitions for what is ſpent here But have Contrary to the ſeverall Acts of Trade & Navigation Carryed Yearly great quantities thereof to New found Land, Scotland &c. To the Great Diminution of his Majs Cuſtomes:

Its Humbly propoſed that a Duty of one penny p pound more be Laid upon all Tobacco Exported from his Majs plantations on the Continent of America to any of his Majs Other plantations to be paid by every Mar of A Veſſell bound thether with Tobacco to the Collectr in money Sterlł: before he take any Aboard, As is Enacted in the 25: Car: 2. and that all Governrs & Collectrs of the Cuſtomes in the ſaid plantations on the Continent be Required to ſee the ſame ſtrictly Obſerved:

And Laſtly for preventing Mar of Veſſells from Carring Tobacco Sugar &c. from Boſton and New Hampſhire & Alſo from any Other of his Majs plantations to New found Land under pretence of Supplying that Iſland with proviſions and likewiſe from makeing their Returns in wine, Brande, Silks, and the Manufacture of Scotland, takeing

fiſh

fiſh Aboard in New found Land only to Colour their Frauds:

Its Humbly propoſed that every Ma.r Bound from any of his Maj.ty plantations with proviſions to New found Land ſhall before his takeing any proviſions Aboard give Bond of 1000£ with Sufficient Security to the Govern.r or his Navall Officer in the port where he Loads any proviſions with Condition that if he Load & Carry from thence any of the Enumerated plantation Comodityes to New found Land or Import any goods or Merchandiſe of the production or Manufacture of Europe from that Iſland to any of his Maj.ty plantations that upon proof thereof the ſaid Bond ſhall be forfeited One Moity to his Maj.ty &c., the Other Moity to the Ma.r or any of the Seamen belonging to the ſaid Veſſell in Caſe the ſaid Ma.r or any Two of the ſaid ſeamen do within — Months after his or their Arrivall inform thereof to any of his Maj.ty Iuſtice of the peace or to any Officer of the Cuſtomes in the port where the ſaid plantation Cōmodities were Loaden or were [where] they were Unlivered:

The Comm.rs of his Maj.ty Cuſtomes have procured ſeverall Acts to be paſſd for the Better Regulating the Trade & ſecuring his Maj.ty Cuſtomes in the plantations which not withſtanding are taken Little Notice of in the proprieties where the Illegal Trade is Carryed on more than formerly, And will Increaſe Till all the proprieties, are brought under his Maj.ty Imediate Goverm.t and untill I Can Arive In Virginia, To take Care that the ſeverall new Collect.rs Wholely unacquainted with their Buſneſs be Directed, how to performe the great Truſt Repoſed in them.

Propoſalls

Propofalls more Generall Humbly Offered for Regulating the Trade in All his Majst plantations on the Continent of America, & alfo in all his Majst Iflands in the weft Indies:

1. That no Govern^{r} or Leiv^{t} Govern^{r} in any of his Maj^{s} plantations fhall be an owner or part owner of any Shipp or Veffell, Nor fhall trade or Barter by himfelf, or by any perfon Concernd Directly or Indirectly for him under the Lofs of his Govern^{t}

2. That the Govern^{r} &c. in the faid plantations doe Return a Lift of all Shipps and Veffells and of all plantations Cōmodities Exported from thence And Alfo Atteftted Coppys of all Bonds taken by them or by their Refpective Navall Officers to the Comm^{rs} of his Majst Cuftomes, Twice every Year, under a Grevious penalty upon their Willfull Neglect or Refufall fo to do:

3. That the Govern^{r} &c. fhall not Imprifon or Sufpend any of the Officers of his Majst Cuftomes (Except in Cafe of Felony, Murther or Treafon proved) But fhall by the firft opportunity Reprefent the Cafe to the Comm^{rs} of his Majst Cuftomes, Given the Officer a Coppy of his Charge, Time enough that he May Send his Anfwer to the Comm^{rs} of his Majst Cuftomes Alfoe:

4. That all Depofitions Relateing to Trade & Navigation or Otherwife taken before the Govern^{r} of any of his Majst plantations and Certifyed under the hand and feale of the faid Govern^{r} who is to take the fame (Unlefs he be a party Concernd) fhall be of equall force at the Council Board, or in any of the Courts at Weftmifter Hall as if the fame had been

been taken before any of the Ma^rs in Chancery in England But where the matter in Difference Relates to the Govr or Leiv^t Govr the party Agrived may Apply himſelf to the Cheif Iudge, or to any Two of the Iuſtices of the peace in the ſaid plantations (Whereof one to be of the Qorum) who are to be Required under a penalty to take and Certifye the ſame which Oath to be of Like force:

5. That the fees in the Court of Admiralty, and Special Courts in the plantations for Trying ſeizures and forfeitures, and all matters Relating to the Crown be Regulated, being at preſent to Extravagantly high, that in Caſe Iudgm^t be entred up for his Maj^ty a great part of his Maj^ty, And the Collect^rs third part of forfeitures be not ſwallowed up in fees, as Lately at Carolina Bermuda & providence.

6. Whereas by the 14 Cha. 2^d Officers may plead the Generall Iſſue and the Iudges are Required to Admitt the ſame, And to Acquitt & Indempnifie them &c. which Mr Nelſon the Cheif Iuſtice in Bermuda Refuſed to doe in my proſecuting a Seizure, And was practiced Likewiſe in Penſilvania upon my Trying the Sloop Dolphin of Boſton &c. they gave Iudgm^t Againſt me at both places for Court and Other Charges And that all Iudges Refuſing to Admitt the Officers plea upon produceing any of the Acts Menc̄oned in the ſaid Act of the 14 Car. 2^d be fined &c. And that no perſon ſhall be Iudge in the ſame Caſe in Two Severall Courts.

7. That no Collect^r in the plantations Grant Bills of Store for any of the Enumerated plantation Cōmodities upon paying Double the Value of every pound thereof ſo Granted.

8. That no Officer of his Maj^st. Cuſtomes be owner of any Veſſell, nor an Agent or Factor, for any Merchant or Company und^r. penalty of ⌣.

All which is Humbly Submitted by

EDRANDOLPH.

No^ber. 5.
1700.

[*Endorſed*] A Paper from M^r. Randolph ſhewing the Loſs his Ma^ty. ſuffers in ye Revenue of his Cuſtoms on Tobacco: With Propoſals for preventing y^e ſame.
Rec^d. } Novr. 6th
Read } 1700.

THE NAMES OF SEVERALL GOVERN^RS. WHO HAVE WITTINGLY AND WILLINGLY BROAK THE ACTS OF TRADE AND HAVE THEREBY FORFEITED TO HIS MAJ^ST. 1000£ AS BY EVIDENCE VIVO VOTE [*sic*] AND ATTESTED VOUCHERS I CAN MAKE APPEAR.

State Papers, Board of Trade, Plantations General, Vol. 5 (D. 54), Feb^ry. 3rd. 170$\frac{0}{1}$.

Bermuda.

Sam^ll. Day Eſq^r. being Govern^r. of the ſaid Iſlands was Owner of $\frac{1}{8}$ of the Sloop Bleſſing of Bermuda: Danniell Johnſon Ma^r. The 5th. of June 1699 the ſaid ſloop was ſent with Tobacco to Caraſaw as Appears by the order of the Two Other Owners of the ſaid ſloop and the Depoſition of Danniell Johnſon the Ma^r. N°. 2 and by the Tryall upon my ſeizing her in Bermuda N° 3:

South

South Carolina.

John Archdall Esqr Late Govern^r of the Province about the 8th of March 169⅚ gave his permitt to Symon Tristant Ma^r of the sloop Dolphin belonging to the Brandenburge Factory at the Island of St Thomas being a French man to come into the Harbour and Trade as Appears by the Deposition of Jsaat Callebueff:

That the said Archdall would not permitt Mr Gerrard the Collector to seize the said Sloop as Appears Deposition N° 4.

Pensilvania.

Wm Markham Esqr Late Govern^r of the province did About the 5th Novem^br 1696 discharge the Briganteen Loyall Factor of New Yorke Timothy Ashembew Ma^r after the Collector Mr Webb had Seized her by his own Warrent: at New Castle for Loading 30 or 40 hh̄ds of Tobacco before Bond given without Tryall, upon Ashembew paying him 80£ or there Abouts for that favour Vide Warrent and Webbs Depositions:

Road Island.

Walter Clarke Govern^r Refused to take the Oath enjoyned by the Act for preventing Frauds to be taken by all Govern^rs yet Continued in the Goverm^t some tyme After.

All which is humbly subm̄:

ffeb^ry 3 : 1700. by EDRANDOLPH S : G :

[*Endorsed*] Names of Gov^rs who have broke the Acts of Trade & thereby forfeited 1000^lt to his Majesty. Sent to the Board by Mr Randolph.

Rec^d 13th ffeb^ry } 170⅚.
Read ⁓ }

AN

AN ACCO^T. OF VESSELLS AND GOODS FFORFEITED WITH THEIR SEVERALL COLLONIES AND PROVINCES OF BAHAMA ISL- YORKE, NEW ENGLAND, TOGETHER W^TH. HIS MAJ^ST. THIRD

State Papers, Board of Trade, Planta-

The Names of Vessells & Loading fforfeited	Mast^rs. Names	Where	When
Sea Flower Brig^t of Carolina	John Flavel	Bahama Isla^ds	Feby. 11th 1697
Sloop Sœand^r bagg of Boston	Joseph Edmonds	Bahama Isla^ds	Nov^br. 28th 1698
Sloop happy Jane Burmuda	Jonas Clay	Burmuda	June 1st 1697
Sloop Turtle Burbados	Robt. Cunningham	South Carolina	Augu^st. 26th 1697
Cole and Bean Gally London	Paul Welch	South Carolina	Decem^br. 28th 1699
Ship Providence of Dublin	John Hamilton	Virginia	July 12th 1699
Ship Integrity of Biddiford	Abra: Whitson	Virginia	Aprill 10th 1699
Ship Pensilvania Merch.	Sam^ll. Harrison	Pensilvania	Aprill 1st 1698
Ship Fortune from Madagascar	Tho: Morston	New Yorke	May 1699
Ship Phidelia from the Island of S^t. Thomas	Tho: Sims	Boston	About 1699

ffeb^ry 3: 1700. Exchange of Money from the Abovesaid Provinces uncertain.
Carolina money Sometime at 30 p Cent.
New Yorke from 25^£ to 35^£ p Cent.

[*Addressed*] To the Right Honble. the Lords Com^rs. for Trade humbly presented by EdRandolph: S: G:

Sent to the Board by M^r. Randolph. { Rec^d 13th Feby. Read — } 170⅝

MA^RS NAMES FOR BREACH OF THE ACTS OF TRADE IN THE ANDS, SOUTH CAROLINA, VIRGINIA, PENSILVANIA, NEW PART ARISEING THEREUPON & IN WHOSE HANDS.

tions General, Vol. 5 (D. 55), 3 Feb. 170⅞.

Apprisement	Charges deducted.	Neat produce	His Majst third part.	and in the hands of
Providence mon: £825.	£ s d 211 : 03 : 03	£ s 5 613 : 16 : 09	£ s d 204 : 12 : 3	John Graves Collectr in the Island of Providence
Providence mon £303.	£ s d 184 : 18 : 00.	£ s d 118 : 18 : 00	039 : 07 : 4	
Burmuda mon £ s 325. 9.			£ s d 108 : 09 : 8	Coll Goddard Late Govr of Stephen Crow the Sheriff of those Islands.
Carolina mon 858 : 4 : 10½			£ s d 286 : 1 : 7½	Joseph Blake Late Govr of South Carolina
Carol mon £ s d 3250 : 19 : 3½	£ s d 463 : 08 : 09½	£ s d 2787 : 10 : 06	£ s d 929 : 3 : 4½	
Sterll Mon £ s d 204 : 19 : 2			68 : 6 : 4½	Coll Wm Byrd Receiver Genll in Virginia
Sterll Mon 182 : 18 : 4			60 : 16 : 1½	
Pensil : mon : 170 : 0.			£ s d. 57 : 0 : 0	Wm Markham Late Governr of the province of Pensilvania
New Yorke mon : £210 : 0 : 0.			£ s d 70 : 0 : 0.	
	About 500 as I am Informd.			Wm Paine the Collector.

Providence in Bahama Islands Above 60£ p Cent.
But Pensilvania is Settled at 25£ p Cent by Acts of Assembly.
Burmuda Money About 20£ p Cent.

[*Endorsed*] List of Vessels & Goods forfeited to his Majesty in America for breach of the Acts of Trade

All which is humbly submitted,
by EDRANDOLPH : S: G:

EDWARD

EDWARD RANDOLPH TO THE LORDS OF TRADE.

New Jerſey Archives, Firſt Series, Vol. II. p. 356.

Abſtract of ſome papers ſetting forth the Miſdemeanours and male Adminiſtration of Gov^rs in ye Proprieties and Charter Govn^ts in America 19 Feby. 1700–1.

Eaſt and Weſt Jerſey.

The Proprietors have right to the Soyle, but not to the Governm^t of those Provinces, The Quakers are now conteſting for Coll Hamilton their preſent Govern^r, tho' not allowed off by his Maties Orders in Councell, as the Law directs. The Countrey is too large, and the inhabitants too few to be continued a Separate Governm^t therefore Eaſt Jerſey ought to be annexed to N: Yorke, and Weſt Jerſey to Penſilvania and the three lower Countyes which will make a conſiderable and uſefull Governm^t

RANDOLPH, CONCERNING ILL CONDITION OF COLONIES.

State Papers, Board of Trade, Plantations General, Vol. 5 (E. 2), 5 March. 1700.

To the Right Hono^ble the Lords Com^rs for Trade.

A Paper Shewing the preſent ill Condition his Mãties Severall Plantacõns & Provinces on the Continent of America and the adjacent Iſlands are in at preſent to defend themſelves againſt any Invaſion by Sea or Land.

Bahama Iſlands. The Iſland of Providence is the Seat of Government, and has the cõmand of the few Inhabitants in that

that and the other Iſlands: It lyes in 25d. and 25m North Lat: tis in length about 25 Miles, and 8 or 10 in breadth, there are about 250 White men, Women & Children, and as many Blacks, Molattoes, and Muftees, who live ſome of them in the Towne of Naſſaw, Others Scattered at a diſtance from thence, Twas Settled at firſt by ſome from Iamaica, and Since Severall ffamilyes are removed thither from Burmuda.

The Spaniards lay clayme to thoſe Iſlands, and being part of the Spaniſh Dominions (as they give out) Iuan Coreo a Spaniard Landed at Providence with 150 men from the Havana, the 19th. of Ianuary 1683, They kill'd 3 Engliſh, and plunder'd the Towne to the value of nigh 20,000£ and carryed out of the Harbour an Engliſh Veſſell which came thither to Trade, There was then a Small ffort which cōmanded that Harbour, but the Engliſh were preſently drove out of it, and fled into the Wood to Save their Lives, Some gott to Iamaica, — moſt of the men Women and Children, who lived on Elutheria and Harbour Iſlands gott to New England.

John Flavell Mar. of a Veſſell belonging to Carolina being bound thither from Iamaica, was taken by the Bonaventure ffleet the 13th. of July 1698. In the Lat of 24 in the Gulph or fflorida, he was made a Priſoner, and his Veſſell a Prize. The Generall of that ffleet hearing that Flavell was well acquainted with Providence, perſwaded him to Pilott 7 or 800 of his men into that Harbour, Saying he had a Cōmiſſion for it, and that he would root the Inhabitants out, aſſoon as he could gett a Pilott.

Thomas Smith, Maſter of a Veſſell belonging to Boſton, was

was taken by Ferdinando a Pyrate the 19th of Ianuary 1699 and carryed into the Bay of Hounds on the North ſide of Cuba to the Weſtward of the Havana. The Pyrate tooke a Spaniſh Cano with 4 men in her, they kept Two of them aboard, and ſent the other Two in their Cano to the Governor of the Havana, to know whether they Should be entertained; the Governor ſent them a Pardon, and the next day 3 or 4 Caſes of Brandy, Shoes, and what other Neceſſaryes that Place would afford for their Relief, then the Pyrate gave the Spaniards poſſeſſion of Smith's Veſſell, which they carryed into the Havana; Smith came in a Small Spaniſh Lanch to Providence the 25th of March 1700. and made Oath to the above written Account.

The ffort was begun to be rebuilt by Coll Trott, having in it 22 Jron Guns (Sacers & Minions) Mounted, but the Wall to the Southward was Soe ſlight, that Soon after 'twas built 40 or 50 foot were blown downe in one night, and that part which lyes to Secure the Harbour, is all open with the Shoar, and of noe uſe, Beſides the Lords Proprietors wrote to Coll Webb to doe nothing more towards the Repaires, Soe that Place cannot defend it ſelf againſt a Small number of Spaniards, who in 24 hours Sayle can come upon them from Cuba.

The beſt, and only place for a ffortificacon is Harbour Iſland, which lyes in 25d and 25m N. Lat. and above 15 Leagues from Providence, where is a Spacious Harbour, 19 foot Water lying between Elutheria, and Harbour Iſland, and a narrow Entrance, where a Small ffort with 15 Guns will Secure the Harbour, and the Iſland, Soe that noe Veſſell can goe in.

The

The Winchester ffriggott was cast away in the Gulph of fflorida, in Shallow water, a little charge will weigh her Guns, which will Serve for the Fort at Providence, and a ffort to be made at Harbour Island.

The Lords Proprietors have been at noe charge to Secure those Islands, but left them to the Inhabitants to defend themselves; nor tooke any care for the Settling those who were drove off by the Spaniards in 1683. Tis absolutely necessary Some present and effectuall course be taken to defend Providence, otherwise if the Spaniards or ffrench gott that Place, It will be a great Annoyance to Vessells passing through the Gulph of Florida, and an utter ruine to our Trade in those Parts.

South Carolina lyes in 32d and 30m the Spaniards likewise lay clayme to all the Southern Bounds of that Province, as farr as Ashley River, In the year 1686, 100 Spaniards with Negroes, and Indians Landed at Edisto about 50 Miles to the Southward of Charles Towne, They broke open the House of Mr Ioseph Morton, then the Governor of the Province, and carryed away his Brother in Law, who was found Murther'd two or three dayes after, They carryed off all his Stock, Money, Plate, and 13 Slaves to the value of 1500£ Sterl, and carried away their other Plunder to the Castle at St Augustin, which lyes 30 or 40 Leagues South from Charles Towne, Two of the Slaves escaped, and came to their Master, The Governor of Carolina demanded his other Slaves, and his Money of the Governr of St Augustin, but he answer'd he could not return them wthout an Order from his Master the King of Spain; They then destroyed, and plunder'd other Settlements, tell-

 ing

ing the diſtreſſed Inhabitants they were Settled upon their Maſter's the King of Spain's Land.

The Lords Proprietors of that Province think their Countrey is well Secured by their Bard Harbour, but I have ſeen a Lieu^t and 6 Spaniſh Soldiers, who came from St Auguſtin, to Charles Towne in a great Periagoe, through Small Inland Creekes, leading from one River to another, and did not goe by Sea, A Small ffort wth 7 Gunns built upon the Entrance of the narrow Paſſages after croſſing the River of Port Royall, or of ſome other more convenient Place, will Comand and Secure thoſe paſſages. There is a ffort built of brick at Charles Towne, but not ffiniſhed which Cõmands the Entrance into Aſhley and Coper Rivers, they have noe Guns Mounted there, and not 10 or 12 Small Old Iron Guns mounted on the Shoar of the Harbour, not fitt for Service, being made uſe of for Salutes cheifly.

North Carolina has a few Inhabitants who live Scatter'd up and downe upon the Rivers, and ffreſh water Lakes; The Two Inletts of Currituck, and Roanoak have not above 7 or 8 foot at high water, Their Poverty is their Security; They cannott gett 60 men together in 10 or 15 dayes time for their Defence.

Virginia & Maryland have noe ffortificacõns, There were formerly 3 fforts built in Iames River, One at the Entrance upon Poynt Comfort, tis ruin'd and many of the Guns Sunk in the Sands Another ffort built with Severall Guns mounted to Secure the Entrance of Naſſymum River being a branch of Iames River.

There is a brick ffort wth about 20 Guns mounted upon Carriages

Carriages at Iames Towne, which Secures Ships rideing above Iames Towne.

There are about 14 Guns upon the Shoar at Tyndall's Point in York River, but none Mounted, intended for the Security of Ships Tradeing there.

Another Small ffort was made at Caratoman lying on the North ſide of Rapahannock River 'tis fallen down, and the Guns buryed in the Sands.

There was likewiſe a Small ffort built at Yeocomoca Bay, lying on the Southward of Potomack River, that ffort is fallen downe, and the Guns lye buryed in the Sand.

There are noe fforts (that I could hear of) nor any Guns mounted in the Province of Maryland.

It is not poſſible to build any fforts that can be uſefull for the Defence of thoſe Countreys, becauſe they lye low, and abound wth great Rivers, and an Enemy may land where they pleaſe, ſoe that their proper, and only defence is made by men of Warr, to cruiſe up and down within, and Sometimes lye off the Two Capes, and the Cōmanders to follow Such Direcc̄ons, as the Govern^r^ of Virginia and Maryland ſhall think neceſſary, To wch end (I hear) the Lords of the Admiralty have ſent Two good ffriggotts.

Penſylvania, and the 3 lower Countyes upon Delaware Bay are expoſed to all Danger, One Croſs a Pyrate Landed at the Whorekill about the 28th of Auguſt 1698. He rob'd the Inhabitants, and plunder'd the Towne, They wrote an Expreſs to Mr Markham their Governor, And pray'd him to Send a Sufficient number of men, to releive them, He cauſ'd the Drums to be beat to raiſe Volunteers, but could gett none to goe, neither have they any Officers or Trained Militia,

Militia, It being againſt the Quaker's Principles to make uſe of the Sword. I ſaw 7 Small Guns mounted at Newcaſtle, but of little Service, becauſe the Channell thereabouts is Soe broad, that Veſſells may eaſily paſſe up the River, out of Gunn Shott. The Cheif of the Inhabitants in Penſylvania, being Senſible of the apparent Danger they were in, of being invaded, and ruined by the ffrench & Indians, in the year 1692 Did in their Petition and Addreſs intended to be preſented to his Mãtie humbly ſett forth as followes: — That his Mãties Subjects and Province of Penſylvania were in great Danger to be loſt and ruined for want of a Settl'd Militia.

That Proprietary Penn upon his Mãties reſtoreing him to the Governm^t of his Province, Did promiſe his Mãtie That the Militia of the Province, Should be effectually Settled, to defend his Mãties Subjects againſt all Enemyes, That contrary to his Said promiſe, the whole Government is put into the hands of Quakers, who not only refuſe to Settle, but give all the Diſcouragem^t they can to Soe good a Work, whereby his Mãties ſubjects, and the Province are expoſed to all danger, and to be deſtroyed unleſs ſome ſpeedy and effectuall care be taken from home to prevent the ſame, And they getting Notice of the ſaid Petiĉon did threaten to Impriſon thoſe that ſhould ſubſcribe it, wch put a ſtop to the preſenting it.

There are a great many ſtout men in Penſylvania were they in Cõmiſſion, and well Armed, would run all hazards to defend themſelves, and their Countrey from Dangers that may happenn.

'Tis abſolutely neceſſary to ſecure the Entrance of Delaware

ware Bay, which lyes above 160 Miles from Phyladelphia, the ſeat of Mr Pens Governm^t by ſending a ſmall ffriggott thither, which will guard Penſylvania and Weſt Ierſey from Pyrates, and break the neck of the Illegall Trade, never more practiſed that [than] ſince Mr Pens Arrivall to the Goverm^t of Penſylvania.

The Provinces of Eaſt and Weſt Ierſey They haue noe Militia, Their only Security depends upon the Governm^t of New York.

The Collony of Connecticott lyes above 100 Miles in length upon the Weſtern Ocean, and farther up in the Land, their Security depends upon the Garriſon at Albany, tho' they have many ſmall Towns well Inhabited, yet they are not in a Condicon to defend themſelves, ffor in Caſe the ffrench ſhould get poſſeſſion of Albany, they would ſoon putt Connecticott under Contribucon.

Road Iſland lyes nigh the Center of New England Sam^ll Cranſton is the preſent Governor, but the Quakers have the ſole Admacon of the Governm^t There are 5 or 6 ſmall Guns mounted at Newport being the Southermoſt part of the Iſland, wch ſerves to defend ſmall Veſſells in the Harbour tis neceſſary there were a good ffortifycacon wth Guns to defend that Place, There being few, or noe ſoldiers upon the Iſland, as were formerly, before the Quakers had the Governm^t I was told about 10 yeares agoe (by Capt Talmaſh who in his Younger time had been a Buccaneer) That 7 or 800 Buccaneers in the Weſt Indies were reſolved to gett poſſeſſion of Road Iſland, being a Place abounding with Proviſions, wch if they had effected, All the Inhabitants in New England, could not have driven them off.

The

The Province of Maſſachuſitts Bay, Boſton is the only Place of Defence in that Province, There are Two fforts wth ſeverall Guns mounted in them, The One about the Middle of the Towne, which Cōmands Veſſells in the Harbour, and the other at the North End, at the Entrance of Charles River.

There is a ſmall ffort at Charles Towne, wth 3 or 4 Guns in it, There are likewiſe ſeverall Guns mounted at Caſtle Iſland, lying one League from Boſton, wth a Battery of about 7 Guns which cōmands the Channell to Boſton.

I am informed that they take little care to buy Amunicon, and other Neceſſaryes for Defence of their Countrey.

There are great Numbers of men in that Province fitt to bear Armes.

The Liev^t^ Governor Mr Stoughton, is a perſon learned and converſant in Bookes, but wholly unacquainted wth Military Diſcipline, ſoe that, That great Countrey lyes expoſed to the Incurſions of their mercileſs Enemyes the French and Indians.

Tis true they have a Settl'd Militia through the whole Province, and ſome of the Councell, and others being Churchmembers, are made the Cheif Officers, but not three of them all know how to draw up and exerciſe a foot Company, as they ought.

His Excellency the Earl of Bellamont reſides at New Yorke, being about 350 Miles diſtant from Boſton, and it will (I fear) be a long time before they can receive the neceſſary Orders from his Excellency againſt the Approach of an Enemy.

The Province of New Hampſhire, Tis not long ſince it

was

was attack'd by the Indians, and many of the Inhabitants deſtroyed.

One William Partridge a Millwright, is the preſent Liev.t Governor, under his Excellency the Earl of Bellamont. He is noe way quallifyed for ſoe great a Cōmand.

There is a ffort built upon Great Iſland at the Entrance into the River Piſcataqua, and above 20 Iron Guns in it which with Shott and other Amunicōn proporcōnable were ſent thither by her late Mātie beſides ſome that were there before

Piſcataqua River is the only Place from whence the great Maſts, fitt for his Māties Navy Royall are brought, The ffrench may at any time eaſily Surprize that ffort, there not being many men upon the Iſland, ready to defend it, and if once in their poſſeſſion, they will hold it, till reinforced by greater Numbers, and then will maintain themſelves by Contribucōn from the Neighbouring Inhabitants in the Towns of Hampton Exiter &c.

The Province of Main adjoynes to New Hampſhire and lyes 40 or 50 leagues diſtant from Boſton. It has been often invaded by the Eaſtern Indians and ffrench, who encouraged and aſſiſted the Indians to deſtroy the Engliſh Settlem.ts about Kennebeck, Ambroſs Scoggan Rivers, and the ffort at Sagadehock &c. And if S.r Edmund Androſs (then Governor of New York) had not ſent from thence a ffort ready framed about the year 1676 to Pemaquid w.th great Guns, Soldiers, and all Neceſſaryes to ſecure thoſe few Inhabitants ſettled there, from New York, the Indians had at that time overrun the whole Province, which is ſince almoſt all deſtroyed.

The

The Rebuilding the ffort at Pemaquid has been often diſcourſed of, But the Boſtoners thro' whoſe neglect it was taken by the ffrench and Indians, have not money to doe it.

There are other fforts in the Province of Main, as that of Caſco, Tueſſett, Sheepſcott, and Sagadehock, wch might be of great Service, and 'tis neceſſary they ſhould be repaired alſo, but there are but few Inhabitants left, and thoſe ruined.

From the Conſideracon whereof, 'tis humbly propoſed, That the Lords Proprietors, and others clayming right to the ſeverall Proprietyes on the Continent of America, and Iſlands adjacent, be forthwith required to ſend Great Guns, Small Armes, for horſe and foot, and Amunicon Sufficient for the Defence of his Mãties good Subjects there Inhabiting, And that a prudent Gent well Skill'd in Military Affaires, be Speedily ſent from hence, wth his Mãties Comiſſion to be the Liev^t^ Governor of the Province of the Maſſachuſitts Bay, in the room of Mr Stoughton the preſent Liev^t^ Govern^r^ of that Province, And that another good Soldier be in like māner commiſſionated to be the Liev^t^ Govern^r^ of the Province of New Hampſhire in the roome of Mr Partridge, with a yearly allowance of a good Sallary, for the ſupport and Maintenance of each of them, Which will animate, and encourage the deſponding Inhabitants chearfully to provide all Neceſſaryes for their own, and their Countrey's Security, Eſpecially when they ſee his Mãtie is pleaſed to take ſuch effectuall Care for their Preſervacon.

March ye 5. 1700.

All which is humbly ſubmitted

by EdRandolph

[*Endorſed*]

[*Endorſed*] Mr Randolph's Paper ſetting forth ye preſent ill condition of ye Plantns on ye Continent of America & Iſlds adjacent wth reſpect to their Defence againſt an Enemy.
Recd 5th March 1709.

A PAPER HUMBLY PRESENTED SHEWING THE GREAT LOSS HIS MAJESTY YEARLY SUSTAINS IN HIS REVENUES UPON SUGARS, COTTON WOOL, INDICO &C. WHICH ARE CARRIED FROM BARBADOES, IAMAICA, AND OTHER HIS MAJESTIES CARRIBY ISLANDS TO SMALL PLANTATIONS NEAR THEM BELONGING TO THE DUTCH.

State Papers, Board of Trade, Plantations General, Vol. 5 (E. 5), 17 March 1709.

John Warren Maſter of a Veſſell belonging to Providence One of the Bahama Iſlands, took a board her about a Twelve month ago 80 hhds of Sugar, giveing Bond to Carry it to England or ſome of his Mãties Other Plantations, But Carried it Directly to Curriaſaw, where he ſold it, and twas put on board a Dutch ſhip Bound for Holland.

The Iſland of St Thomas belonging to the Danes is likewiſe plentifully ſuppli'd with Sugar, Cotton, Lignum Vitæ, and Logwood from Anguila, Spaniſh Town, Tertola &c. upon which the Engliſh are Settled, I am informed That the Governour of St Thomas takes upon him the Care of Shipping thoſe Goods to Denmark.

The Dutch Iſlands of Statia, and Swabia lying not farr from Nevis, and Antegoa Trade with thoſe Iſlands from

 whence

whence they have Yearly Great Quantities of Sugar which they ſend to Holland.

There was about a Twelvemonth ago, a ſhip from Scotland which brought to Statia, a Cargo of the Manifactures of that Kingdome, a good part whereof was bought by Daniell Iohnſon Maſter of a Veſſell belonging to Bermuda &c. The Scotch Maſter makeing his Returns home in Sugar, Cotton-Wool, and Other Plantation Commodities.

I am likewiſe informed (ſince my laſt Arrivall in England) by ſome of the Chiefeſt Merchants in London, That Engliſh Maſters who are permitted by Law to Carry Servts, Horſes, and Proviſions To our Weſt India Plantations Load the Commodities thereof (ſometimes 20 Veſſells in a Year) and Carry them Directly to Holland.

All which is Occaſioned either by the Connivance, or neglect of the Governours in their not Takeing Bonds With ſufficient Security to Carry the ſame to England, Wales, &c. Or their not Vigorouſly proſecuting them when Forfeited, as the Law directs, By all which undue Meanes his Mãtie Looſes many Thouſand pounds yearly in his Cuſtomes on Sugar, &c.

For Prevention whereof Tis humbly propoſed

That all the preſen Governours, and ſuch as ſhall hereafter be the Governours of his Mãties Forreigne Plantations, Give Bond to his Mãtie with two ſufficient ſureties here in England, as the Commiſſioners of his Mãties Cuſtomes London ſhall Approve of (according to the quantity of Plantation Commodities made Yearly in their Reſpective Governments) not leſs than the ſum of 2000ll Sterling, Strictly to put

put the Acts of Trade in Execution, And obſerve all ſuch Orders, and Inſtrucc̃ons as they ſhall from Time to time Receive from the ſaid Commiſſioners.

That the ſaid Governours, or their reſpective Navall Officers Admitt of none to be ſureties for any Maſter of a Veſſell belonging to the Plantation where he Loads, or to any of his Mãties Plantations, But ſuch as Are Inhabitants, and men of Good Eſtates, upon their being Anſwerable to his Majeſty for the Penalty of ſuch Bond, in Caſe it be Forfeited.

And in Regard Maſters of Veſſells belonging to England, Wales &c. Firſt go to Scotland, or Ireland for Servants, Horſes, or Proviſions, or go in their Ballaſt to Newfound land to Carry Fiſh for Bilboa, &c. And being diſappointed of their Loading go to the Plantations to Load Tobacco, Sugar &c.

That no Governour, or Navall Officer ſhall upon any pretence whatſoever permitt ſuch Maſter to Load or Take on Board any of the Ennumerated Plantac̃on Commodities untill he do produce to him, or to his Navall Officer, a Certificate under the Hands, and ſeals of the Chief Officers of the Port in England, Wales &c. from whence ſhe ſayl'd That Bond was there Given According to Law.

That the ſaid Governour, or his Navall Officer, do twice in every Year tranſmitt to the Commiſſioners of his Majeſties Cuſtomes in London, a Liſt of all Veſſells Ladeing any of the ſaid Ennumerated Commodities in their Reſpective Governments.

I ſaw at New York where I was not long ſince a Bill of Stores for 10 Thouſand Weight of Sugar Granted by the Collector

Collecto^r of Antegoa to Caleb Beck Maſter of A Veſſell belonging to New England.

That no Collecto^r Grant a Bill of Stores for any of the ſaid Commodities under penalty of paying Treble the Vallue thereof.

All which is humbly ſubmitted

March 17th 1700. by EDRANDOLPH.

[*Endorſed*] Mr Randolph's Paper about the Loſs his Ma^ty ſuffers in his Revenue by illegal Trade in the Sugar Iſl^ds

Rec^d Read { March 17th 170⅘.

RANDOLPH WISHES NO GOV^R TO BE A TRADER, &C.

State Papers, Board of Trade, Plantations General, Vol. 5 (E. 6), 17 March 170⅘.

Propoſalls more Generall Humbly Offered for Regulating Trade in All his Mãties Plantations on the Continent of America, And alſo in All his Mãties Iſlands in the Weſt Indies.

1° That no Governour, Leiv^t Governour in any of his Mãties Plantations ſhall be an Owner, or Part Owner of any Ship or Veſſell, nor ſhall Trade, or Barter by himſelf or by any perſon Concern'd Directly or indirectly for him under Loſs of his Government.

2° That the Governour &c. ſhall not impriſon or ſuſpend any of the Officers of his Mãties Cuſtomes (except in Caſe of Fellony, Murther, or Treaſon proved) But ſhall by the firſt

firſt opportunity repreſent the Caſe to the Commiſſioners of His Mãties Cuſtomes giveing the Officer a Coppy of his charge that he may have time to prepare, and ſend his anſwer to the Cuſtome Houſe.

And for the more Equall Diſtribution of Juſtice amongſt his Mãties Subjects in the Plantations It's humbly Propoſed

3° That the Chief Juſtice in the Reſpective Plantations be appointed by Commiſſion from his Mãtie, And That no Perſon in the Plantations preſume to Accept of, and Act as Chief Iuſtice in Any of the ſaid Plantations Except in Caſe of Death, or Sickneſs, he be wholly Diſenabled to Execute the ſame.

4° That Depoſitions Relating to Trade and Navigation or Otherwiſe, Taken before the Governour of any of his Mãties Plantations, and Certify'd under the Hand and ſeal of the ſaid Governour who is required to Adminiſter the ſame ſhall be of Equal Force at the Councill Board, or in any of the Courts in Weſtminſter Hall as if the ſame had been taken before a Maſter in Chancery in England, But Where the Matter in Difference relates to the Governour, or Leiu: Governour the Party agrieved may apply himſelf to the Chief Judg, or to any two of the Juſtices of the Peace in the ſaid Plantations (Whereof one to be of the Quorum) who are to be required under a Penalty to take and Certify the ſame, Which Oath to be of A like force, &c.

5° That the Fees in the Courts of Admiralty, and ſpeciall Courts in the Plantations for Trying Seizures, and Forfeitures and all Matters relateing to the Crown be Regulated, being at preſent ſo Extravagantly High That in Caſe Iudgment be entred up for his Mãtie, a Great Part of his Mãties

and

and the Collectors third part of Forfeitures be not ſwallowed up in ffees as lately at Carolina, Bermuda and Providence.

Whereas by the Act made the 14° Car. 2° Entitled an Act for preventing Frauds in his Mãties Cuſtomes in England, Officers of his Mãties Cuſtomes being ſued for executing their Office may Plead The Generall Iſſue and the Judges are required to Admitt the ſame and to Acquit and indemnify them &c. Mr Nelſon the Chief Iuſtice in Bermuda, upon my being proſecuted for Seizing [veſſels?] Illegally Tradeing there Rejected my Plea, and Granted Iudgment againſt me for Court Charges &c. which I was forced to pay.

I had likewiſe Iudgment Given Againſt me in Penſilvania for the like Matter.

6° That all Iudges in the Courts of Record, or in the Courts of Admiralty in the Plantations Refuſing to Admitt of the ſaid Plea of the Officers of the Cuſtomes be grieveouſly Fined, And alſo that no Perſon ſhall be Iudg in the ſame Caſe in two ſeverall Courts.

Whereas it hath been, and ſtill is the Common practiſe of Governours, Leivt Governours &c. in the Plantations to impriſon his Mãties Subjects at their Pleaſures, by their Own Warrants, Not Admitting them to Bail, Tho' very ſufficient Security Tend'red, but Keep them in cloſe Cuſtody till the Next quarterly Court where nothing appearing againſt them they are diſcharged of courſe, but not at Liberty untill they have paid the Extravagant ffees to the Chief Iuſtice, to the Court, and to the Goaler, To the Ruin of ſeverall of his Mãties Subjects, as in Bermuda, Carolina and lately in Providence.

7° That the Habeas Corpus Act be in as full force to all intents

intents and Purpoſes in all his Mãties Iſlands, Collonies and Plantations, as is now in England, &c.; And that the Act made the 11° and 12° Yeares of his preſent Mãtie entitled An Act to Puniſh Governours of Plantacons in this Kingdome for Crimes by them Committed in the Plantations, may be reviſed, and ſuch amendments made therein as may be for the Relief of his Mãties now Oppreſſed Subjects in thoſe Plantations.

8° And That all Governours &c. do before their entrance upon their reſpective Governments, Give Bond here in England to his Mãtie not exceeding 5000 to Give full ſatisfaction for all Damages which ſhall appear to be done by them, or Order, to any of his Majeſties ſubjects Inhabiting in their Government.

All which is humbly ſubmitted

March: 17: 1700. by EdRandolph.

[*Endorſed*] Mr Randolph's general Propoſals for regulating Trade in all his Matys Plantns

Recd } March 17th
Read } 1709.

Crimes and Misdemeanors Charged upon the Governors of the Proprietary Governments in America.

New Jerſey Archives, Firſt Series, Vol. II. p. 358. 24 March 1709.

Articles of High Crimes: Miſdemeanours Charged upon the Governours in the Severall Proprieties, on the Continent of America, and Iſlands adjacent.

Bahama

Bahama Iſlands. Pirates entertained there, and illegal Trade maintained, and carryed on by the Inhabitants.

Every the Pirate, and his men were entertain'd when Collonell Trott was Governor of Providence; and had liberty to depart, or ſtay there upon their Giveing Bond of 1000£ to appear when called ſome of thoſe were bound, One, for another, They carry from thoſe Iſlands the Brazillett, and Other dying Woods to Curriaſaw.

Colonell Nicholas Webb his Succeſſor was a cruell oppreſſor, and Impriſoned his Maties Subjects at pleaſure, by which means, he Gott a great deal of Money, and They, and their Families were Ruin'd. Read Elding the preſent Governour, ſtands charged wth Piracy lately committed upon a New England Veſſell richly Loaden, bound from Jamaica to Boſton.

He Tyrannically beat and Wounded Mr Thomas Gower, the Preſent Secretary, and Soon after kept him in Priſon 17 daies.

He ſeized and condemned Small Veſells belonging to the Inhabitants haveing made Parker, one of Every's men, (and his Brother in Law) Marſhall.

Dolton a Red Seaman is Judg, and Warren another Red Seaman his Attorney Generall. They have Sold ye Veſſells and put the money in their Pocketts.

South Carolina — 70 Pirates were entertain'd there, about 8 years ago.

Mr Archdale the late Governour Harboured Pirates, he countenanced Day the Maſter of a Briſtoll Ship, to defraud his Owners of Veſſell & Loading, And afterwards Day being bound to the Red Sea Mr Archdale provided for him

a

a Moſchetto Engine, againſt his Maſter's Will to catch Fiſh for his Voyage.

He gave his permitt to Simon Triſtrant, a Frenchman born, Who Imported a rich Loading of Wine, Sugars, and Cocoe, to ſell his Veſſell, and Cargo for which he was well paid.

M^r Joſeph Blake late Governour Deceaſed, was a Great Indian Trader, and Took 6 Barrells of Powder, in the Late French Warrs and Sent them by his Agents to purchaſe Skinns of the Indians, having but 4 barrels in the Store, All which was purchaſed for defence of the Country.

He cauſ'd Some Veſſells, and their Loading to be Seized and Condemned upon pretence of their Acts of Trade, and getting them to be apprized at half ye vallue, he and his Accomplices gott them into their Hands, denying to ye Owner's appeals to his Ma'tie in Councill.

He cauſed other Veſſells to be ſeiz'd upon the ſame pretence and upon Private Contract with the Maſters to pay him half ye Vallue of their Veſſells (which they did) he diſcharged their Veſſels, defrauding his Ma'tie thereby of his Third part wth many other like miſdemeanors Committed by him.

North Carolina — They have no Settled Governm^t amongſt Them. About 4 years ago the Swift Frigott being Drove out of Virginia by Storm and comeing aShoar upon the Sands in that Province the Inhabitants Robb'd her, and Fired Great Gunns into her and Diſabled her from Getting off. The Chief Offender was Baniſhed onely. Tis a place which Receives Pirates, runaways, and illegal Traders.

Mary-land — His Matie took the Governm^t of That Prov-

ince out of the Hands of the Lord Baltamore the Proprietor, becauſe Colonell Talbott his Governour murther'd the Collector of his Ma'ties Cuſtomes in Cool Blood.

The Three Lower Counties on Delaware Bay. Mr Penn uſurps Government, and laies Taxies upon his Ma'ties Loyal Subjects inhabitting There.

There were not Long Since Two perſons Try'd & Condemned the Judges, and Juries not being Sworn, and afterwards executed in thoſe Counties.

Penſilvania — Another perſon was Try'd, Condemned, and Executed in Mr Penn's own Province, the Judg, and Jury not being Sworn.

It has been, and ſtill is ye only receptacle for Pirates & illegal Traders.

Mr Penn in Defyance of ye Authority of ye Court of Admiralty there erected, Has appointed a perſon to Execute ye office of Marſhall by Warrt under his hand and Seal.

I was made a priſoner by Mr Markham (Mr Penn's Govvernour) becauſe I would not Deliver to him Two Bonds, one of 1000£ and the other of 500£ Forfeited to his Ma'tie, which I had Given Orders to be put in *Suit.*

Mr Penn about Octor laſt intercepted, and detained Letters, and Packetts, from the Commiſſioners of the Cuſtomes, to Mr Birch their Officer at Newcaſtle.

He likewiſe charged Mr. Swift bound from Penſilvania to England, who Mr Penn knew had letters from the Judg of the Admiralty in Penſilvania for the Said Commiſſioners, not to Deliver them till one month after his Arrivall.

Provinces of Eaſt and Weſt Jerſey, — They are all in confuſion for want of Governmt and humbly pray to be taken under

under his Ma'ties immediate Governm^t and Protection. They likewiſe receive and harbour Pirates.

Colony of Connecticott. Receive and countenance illegall Traders and Lately intended to Oppoſe with Force perſons Legally impowr'd to Seize, & Carry away Prohibited Goods in Order to be Try'd in his Ma'ties Court of Admiralty at New York.

Road Iſland. They have all along Harboured Pirates. Walter Clarke, the late Governour, refuſed to Take ye Oath enjoyn'd by the Acts of Trade to be taken by all Governours &^c.

Samuell Cranſton the preſent Governor openly oppoſed the Authority, of the Court of Admiralty, Order'd by Act of Parliament to be There erected.

Province of Maſſachuſetts Bay, — They haveing obtained a new Grant, made voyd, and deſtroyed all thoſe Laws made not long before, for the Maintenance & Support of his Ma'ties Governours of That Province, on purpoſe to Diſcourage Gentlemen of Honour and abillities to ſerve his Ma'tie in that Country, haveing thereby made that Government precarious only.

They inrich themſelves by their continued breach of the Acts of Trade, Some of the members of ye Council being illegall Traders, ſitt Judges in ye Courts upon Tryall of Seizures for his Ma'tie, and do likewiſe deny Appeals to his Ma'tie in Councill, to thoſe who are impowr'd and directed to proſecute them.

They have likewiſe Turn'd out Mr Byfield a man zealous for haveing the Acts of Trade duly executed, who by Commiſſion under the Great Seal of ye Admiralty was Judge of the

the Court of Admiralty in That Province. And made Mr Waite Winthrop (a ſmall Practitioner in Phyſick) to be Judge of That Court Tho' in no Sort qualiſyed for ye Office inſtead of Mr Byfield againſt whom they had nothing to Object. Some of the Firſt Pirates I ever heard of in the Northern Plantations were ſett out from Boſton who brought in a Great deal of Riches from the Spaniſh Plantations.

Province of New Hampſhire. Mr William Partridge the preſent Lieut Governour, and Severall of the Inhabitants of that Province are Notorious, illegall Traders.

humbly Offered

by Edp Randolph.

March 24. 1700: [1701]

AN ABSTRACT OF MY PAPER HUMBLY PRESENTED TO THE RIGHT HONBLE THE LORDS COMMISSRS FOR TRADE SHEWING THE HIGH CRIMES AND ENCREASING MISDEMEANORS AND MALL ADMINISTRATN OF THE GOVERNORS IN THE SEVERALL PROPRIETIES ON THE CONTINENT OF AMERICA AND ISLANDS ADJACENT.

Colonial Records of North Carolina, Vol. I. p. 545.

South Carolina. Mr John Archdall the late Govr (under his ſon a Lord Proprietary of the Province) permitted ſome of Every's Men, who came from Providence to Land, and bring their money quietly a ſhoar, for which favour he was well paid by them.

He contrary to the Acts of Trade gave his Permitt to Simon Triſtrank (a French man borne) who came from St Thomas to put off his ſugar, wine and cocoa, for which his

Marſhall

Marſhall received for the Governor a large preſent, and therefore he would not ſuffer the Judge of the Admiralty, nor the Collector to ſeize her, ſaying ſhe belonged to Engliſh owners, vide depoſitions.

He allowed one Day Maſter of a great ſhip of Briſtol, which came into the Harbour loaden with Sugar from Jamaica, to ſell his Sugar to a merchant in Charles Town, upon Condition that Mr Archdale ſhould have a ſhare of it.

Mr Blake his ſucceſſor in the Goverm! ſent Six barrells of Gunpowder, bought for defence of the Country (being a Great Indian Trader) by his Agents to purchaſe ſkins of the Indians, vide Depoſitions.

He clandeſtinely got £80. from William Joel Mar of a Bermuda ſloop, which he cauſed to be ſeized, upon pretence ſhe was not regiſtered, whereas the time for regiſtring veſſells was not expired, vide Depoſitions.

He cauſed a ſloop belonging to Carolina loaden with Negroes from Guinea, to be ſeized upon the ſame pretence, and diſcharged her upon the owners promiſe to pay him 50£. (vide Depoſitions of the Owners ſworn before a maſter in Chancery).

He was conſenting to the ſeizing of the ſhip Carliſle ſtop five months in the Country, upon pretence that the Mar was a Pyrate, but the deſign was to get her into his and his Confederates hands, by putting the ſailors upon ſeizing her for their wages, and then get her to be ſold to them for little or nothing.

By a Trick he put upon the Credulous Maſter of the Edward and Sarah of London, loaden with Sugar from Yamaica, he gott the Management of the veſſell and her Loading

Loading into his hands, and leaving that to the care of one Loggen, they imbezilled the Sugar and brought in Extravagant Charges for Commiſſion, which were allowed. The veſſell was ſunk through their neglect, yet they demanded and had 30£. for their care & diligence.

He and the Judge of the Court of Admiralty (his brother in law) condemned the Snow Gully of London, and her Loading they were appraiſed at a low value. His Majeſty ſometime after was pleaſed to order them reſtore to the owners the veſſell & Loading, which they were glad to take at the appraiſed value, beſides the loſs they ſuſtayned for want of their market However Governor Blake and his confederates made great advantage by the ſale of thoſe Goods at the Country price.

The Cole and Bean Galley of London and Loading worth two or three thouſand pounds ſterl: were condemned and appraiſed at not half the value, the veſſell was bought by Loggan under hand for the Governor and Bellinger, and the pretended collector for much leſs than halfe what the coſt ſetting out in England; they ſent her to the Bay of Campeache for Logwood and ordered the Maſter to ſell her, and her Loading at Curaſoa or Holland.

He turned Mr Nicholas Trott (apptd ye Naval Officer by the Lords Proprietors and alſo by the Commiſſioners of his Majeſties Cuſtomes) out of his place becauſe he was diligent and faithfull to his truſt, and put another therein, who was his confident and not fit for the place.

North Carolina. Thomas Harvey late Governor was deputed by Mr Archdall he put Maſtrs to great charges becauſe of their veſſells not being regiſtered, though the time lymitted

ted for regiſtering them was not expired. The Tobaco made in that Province is generally carried to Boſton or to the Iſlands near to Connecticott Colony where it is carryed to Scotland &c, which fraud ought ſpeedily to be prevented.

During his Government his Majeſtys ſhip Hady was drove a ſhore upon the ſands between the Inletts of Roanoak and Currituck, the Inhabitants robed her and got ſome of her guns aſhore and ſhot into her ſides and diſabled her from getting off. The actors were tryed and one of the chief was baniſhed. Henderſon Walker the preſent Governor in no ſort fit for the Office. . . .

May it pleaſe your Ld^pps^

The many miſdemeanors I have juſtly charged upon the ſeverall Governours in the Proprieties, ariſe chiefly from a very great neglect in the Propriet^rs^ not taking due care to provide an Honorable Maintenance for ſupport of their Governors, which is the true reaſon why no honeſt Gentleman of good reputation and abilities, to ſerve his Majeſty in the Quallity of Governors will leave his Country to live upon the Rapine and ſpoil in the Proprieties, as many of them have done for ſeverall years laſt paſt; For 'tis eaſy to believe that Governors in ſuch neceſſities will be ſoon tempted to do all unlawfull things. Neither have they taken any notice of the frequent complaints of the grievous oppreſſions done by their Governors to his Majeſties ſubjects, nor of their exacting extravagant Fees from Maſters of veſſells and other Trading Perſons, ſo as to redreſs them; Whereby lawfull Traders have been wholly ruined.

They

They have not at any time (during the late Warr with France) bought or ſent over any great Guns, or ſmall Armes for Horſe or Foot Ammunition of all ſorts, nor provided ſhips of Warr to be manned when neceſſary, nor ſoldiers ready for the defence of his Majeſtie's ſubjects inhabiting thoſe Provinces, ſo that all the Proprieties (from the Bahama Iſland ſouth beyond Pemaquid North) at this time lie open and expoſed to every invaſion, being an eaſy prey to their mercileſs and inſulting Enemys the French and Spaniards &c: eſpecially South Carolina, lying within ſixty miles of the Town and Port of S[t] Auſtin, a place well fortyfyed and mand; from whence I ſaw a Lieutenant and ſix Spaniſh ſoldiers in March 1699, who came from thence in a ſmall Periogua within the Land.

From the conſideration whereof and for the more effectuall preventing the imminent ruine the Proprieties are in at preſent, and alſo for the more effectuall ſuppreſſing the growing evills ariſing from the arbitrary practices of their Governors which the Proprietors are in no ſort capable to redreſs.

Tis therefore humbly propoſed

1. That the Government of all the Proprieties on the Continent of America and Iſlands adjacent be forthwith veſted in the Crown.

2. That all the juſt Rights & Prop'ties of the ſeverall Proprietors, and alſo of all the Perſons claiming by or under them, be continued and confirmed to them by Act of Parliament to be enjoyed in as full and ample Manner as they have or may of right enjoy by virtue of their reſpective Grants or Patents for the ſame.

By

By which means they themſelves will be fully ſecured in all their Rights, under an Equall Adminiſtration of his Majeſties Government and protected in their lives and Eſtates from Rapine and depredation, The Acts of trade duly obſerved in all his Majeſties Colonies and Provinces, and his Majeſties Revenue yearly encreaſed, which will be a mighty benefit and advantage to all his Majeſties Subjects inhabiting there.

And laſtly their lands and eſtates made thereby far more valuable than before. . . .

All of which is humbly ſubmitted by

E. RANDOLPH.

THE LORDS OF TRADE TO THE LORDS OF THE TREASURY.

Colonial Records of North Carolina, Vol. I. p. 538.

Aprill 29th 1701.

My Lords,

There being a Bill depending before the Rt Honble the Houſe of Lords for reuniting to the Crown the Government of ſeverall Colonies and Plantations in America and their Lordſhips having thereupon directed (as we are informed) that Councill be heard at their Bar tomorrow being Wedneſday, as well in behalf of his Majty as of the Proprietors concerned which will require that ſome perſon be appointed to ſollicite the ſame and furniſh what ſhall be neceſſary towards the charge thereof on the Kings behalf, wee offer to yoar Lordſhips, that the Solliciter of the Treaſury may be directed to take that care and furniſh the neceſſary charge in aſſiſtance

 to

to Mr Randolph who has Orders to follow that matter we are

My Lords Your Lordſhps moſt humble ſervants.

STAMFORD, MEADOWS, Wm BLATHWAYT,
JOHN POLLEXFEN, ABR: HILL
MAT: PRIOR

Whitehall
Aprill the 29th 1701.

RANDOLPH TO TAKE AFFIDAVITS.

Colonial Records of North Carolina, Vol. I. p. 538.

Whitehall, June 11th 1701

Mr Randolph acquainting the Board that there is now no chance of paſſing this Seſſion the Bill which has ſome while lain before the Houſe of Lords for reuniting to the Crown the governt of ſeveral Colonies and Plantations in America And that ſeveral of the witneſſes which he had now ready to have produced about that matter will not be here at another Seſſion of Parliament, Their Lordſhips deſired him to take all their Affidavits that may be material before a Maſter in Chancery and to lodge 'em here which he promiſed to do accordingly.[7]

RANDOLPH'S

[7] The Bill had been puſhed forward by Randolph, Mr. Dudley and Mr. Baſſe, but defeated by the exertions of Sir Henry Aſhurſt. See letter of Sir Henry Aſhurſt to Fitz-John Winthrop, 10 July, 1701, in *Maſſachuſetts Hiſtorical Society Collections, Sixth Series*, Vol. III. p. 75.

The enmity exiſting between Sir Henry Aſhhurſt and Mr. Dudley was not allayed by time. See *Some Correſpondence between the Governors and Treaſurers of the New England Company in London and the Commiſſioners of the United Colonies in America*, London, 1897, p. 92, for a letter of Mr. Joſeph

RANDOLPH'S MEMORIAL RELATING TO HIS SERVICES & SUFFERINGS.

Board of Trade, Plantations General, 5. (E. 13), 20 June 1701.

To the R^t Honble the Lords Commiſſio^ns for Trade.

The Memoriall of Edward Randolph Eſq^r Surveyor Generall of the Cuſtomes in all his Majeſties Colonies, Provinces and Plantations on the Continent of America, and Iſlands Adjacent.

Your Lord^ps were pleaſed to ſignify your Commands by M^r ſecretary Popples Letter to me (then in England) of the firſt of April 1697 to Give Your Lord^ps from time to Time an Account of whatſoever I ſhould Judg proper for Your Knowledge, in Order to his Maties Service in any of thoſe Colonies I ſhould reſide in, or through which I ſhould paſs.

That in Purſuance thereof I have given your Lord^ps in all my Letters from thoſe Colonies &c. On the Continent of America, & Iſlands Adjacent, a true and Faithfull Account of Whatſoever I obſerved Proper for Your Lord^ps Knowledg, in Order to his Majeſties ſervice.

That I have been Impriſoned 32 weeks in Bermuda for following your Lord^ps Directions in Tranſmitting a particular ſtatē of the Adminiſtration of the Governours in thoſe Iſlands

Joſeph Dudley to Sir William Aſhhurſt. Governor of the Company. "Boſton, New England Nov^br 15. 1710. I have been myſelf very unfortunate to be perſued with great diſpleaſure by Sr Henry Aſhhurſt at all times, who I doubt is impoſed upon by ſome very few & men from hence, to talk of things which every body here ſmiles at as having no ſhadow of foundation, I heartily wiſh Sr Henry health, & a bleſſing upon his family & aſſure him he is equally bound to bleſs mee and mine."

Iſlands as by the Annexed Coppy of the Depoſition relating thereto does appear.

That I have been at Great Charges in procuring, and ſending your Lordſ. Mapps, and Draughts of places moſt Neceſſary for your Lordſ. Knowledge, which your Lordſ. have been pleaſed to do me the Honour to Acknowledge, in Your Letter of the 27° of July 1699. Sent to me During the Time of my Said Impriſonm.t and to put a Vallue upon my Services as uſefull for Your Lordſ. Information and alſo for the Generall Benefitt, and Advantage of the Trade of this Kingdome, Whereupon Your Lordſ. did in y.e ſaid Letter aſſure me of your readineſs upon all Occaſions to do anything that might be proper for my Encouragm.t in his Mãties Service, with reſpect to my paſt Services, and 32 weeks ſevere Impriſonment in Bermuda.

I Humbly intreat your Lordſ. favourable repreſentation thereof to his Majeſty, in ſuch manner, as due conſideration may be had to my Services and Suſſerings abroad, and to my Attendance on your Lordſ. when ever required, Since my Arrivall, as to his Mãties Goodneſs, and Wiſdome may ſeem moſt reaſonable.

All which is humbly Submitted

By

ED RANDOLPH. S: G.

Rec.d 20.th June 1701.

[*Endorſed*] Memoriall.

RANDOLPH'S

RANDOLPH'S DRAFT OF DIRECTIONS TO BE GIVEN HIM BY BOARD.

State Papers, Board of Trade, Plantations General, Vol. 5. (E. 16). 24 July 1701.

By the R: Hono^ble^ the Lords Commiſſioners for Trade & Plantations.

Wee doe herewith deliver to You a Duplicat of the Body of his Maj^ties^ Inſtructions to the Govern^rs^ of all his Ma^ts^ Colonyes and Plantations Requiring You where You ſhall find any Faylure or Omiſſion in any of them in their Obſervation thereof to give to Us & alſo to the Commiſſ^rs^ of His Maj^ts^ Cuſtomes an Acco: thereof And likewiſe in caſe any of the Navall Officers or Collectors of His Maj^ts^ Cuſtomes in the ſaid Colonyes or Plantations ſhall neglect their Duty in the Execution of their Office That You doe inform Us & the Commiſſ^rs^ of His Maj^ts^ Cuſtomes thereof That all due Care may be forthwith taken for the Regulation of the ſame.

July 24: 1701. EDRANDOLPH.

[*Endorſed*] Draught of a L̃re of Directions propoſed by M: Randolph to be given to him by this Board.
Rec^d^ 26th } July
Read 30th } 1701.

MEMORIAL

MEMORIAL FROM Mr. RANDOLPH ABT. THE ACTS OF TRADE.

Board of Trade, Journal, Vol. 14. p. 407. 10 Apr. 1702.

Plan: Genll.
& Trade.

A Memorial from Mr. Randolph ſhewing the Defects in the ſeveral Acts relating to Trade, & propoſing a Method to render them more effectuall in the Plantations, was laid before the Board, and he was thereupon appointed to call on Tueſday next in order to the taking the ſame into Conſideration.

ENDORSEMENT ONLY REMAINING.

State Papers, Board of Trade, Plantations General, Vol. 5. (E. 34).

[*Endorſed*] Planns. Genl.
Meml. from Mr. Randolph
ſhewing ye Defects
in the ſeveral Acts
relating to Trade, and
propoſing a Method to
render them more
effectual in the
Plantations.
Recd. 10th } April
Read 13th } 1702.
vide Trade Bundle. E. No. 9.

RANDOLPH'S MEMORIAL.

Board of Trade, Trade Papers, No. 15. p. 427. 13 Apr. 1702.

Memorial from Mr. Randolph ſhewing the Defects in the ſeveral Acts relating to Trade and Propoſing a Method to render more Effectual in the Plantations.

SECRETARY

SECRETARY POPPLE TO SIR THOMAS LANE, KNT & ALDERMAN.

New Jerſey Archives, Firſt Series, Vol. II. p. 473.

Sir,

The Lords Commiſſioners for Trade and Plantations have ordered me to ſend you the incloſed Copies of Papers . . . I am alſo to acquaint you, that, upon their deſire, Summons have been given them for Coll: Quarry, Mr Randolph, Mr Baſs, and Mr Joſhua Barkſtead, to attend this Board on Wedneſday next at ten a Clock in the Morning (the time already appointed for hearing what may be offered relating to Coll: Hamilton's being appointed Governour of New Jerſey) And that if you deſire Summons for any other perſons to attend at the ſame time, they ſhall be ſent to you. I am

&c. Wm POPPLE.

Whitehal May 28th 1702.

WHITEHAL. JUNE THE 1ST 1702.

Board of Trade, Journal, Entry Book, Vol. 15. pp. 53-60.

[*sic*: some pp. headed July 1st. but this evidently an error, since the proceedings are all those of June 1st]

At a Meeting of Her Majeſty's Commiſſioners for Trade and Plantations

Preſent: Mr Cecil, Sir Ph: Meadowes, Mr Blathwayt, Mr Pollexfen, Mr Prior.

Pennſylvan. Quary. Penn } Colonel Quary and Mr Penn attending according to appointment in reference to the Complaints of Irregularities in Pennſylvania, Their Lordſhips proceeded in conſidering ye Abſtract of Articles entered upon at their hearing the 19th of the laſt month.

The

The third of thoſe Articles with Mr Penns anſwer to it, and Colonel Quarys Reply, were then read: Upon which Mr Penn readily acknowledged that he had given Commiſſions to two Sheriffs to be Water Baylifs; So that the Queſtion (he ſaid) remains only whether that power did belong unto him or to the Admiralty.

Colonel Quary offered that the Court of Admiralty is ſettled by Virtue of an Act paſt in the 7th and 8th years of the late King for preventing Frauds and regulating Abuſes &ca He deſired that a Copy of one of thoſe Commiſſions which was given to Thomas Farmer high Sheriff of Philadelphia County [and is Proprie: F. N° 60] might be read, which was accordingly done: And he complained that not only by that, but by the General practice of the Government there, in bringing all Tryals relating to Breaches of the Acts for Trade into the Courts of the Country Mr Penn had aſſumed all the Powers of his Admiralty Commiſſion and that the intent of the foreſaid Act of Parliam: was fruſtrated: And in proof of their bringing thoſe cauſes into their Courts, he deſired that Mr Robert Aſhtons Letter to Mr Penn of the 17th Decembr 1701 [which is Pennſylvania I N° 20] might be read; which was done accordingly.

He next Shewed to the Board part of a Letter from Mr John More & to himſelf, concerning the favour ſhewn by by [*ſic*] Government of Pennſylvania to one Righton the Maſter of a Veſſel who had been divers times concerned in carrying on illegal Trade: And in Teſtimony of Rightons practices of that kind, he appealed to Mr Randolph & Mr Baſs here preſent, who confirmed the ſame, and particularly inſtanced his having formerly been brought up to Burlington in Weſt Jerſey,

Jerſey, and there favoured in like manner by Colonel Hamilton.

To theſe things Mr Penn anſwered that he had adviſed with the beſt Lawyers, and had been told by them that the Commiſſions granted by him to Water Bayliffs are within the powers of his patent, and that in many caſes the proceedings in purſuance of the Powers given by Admiralty Commiſſions are reverſible by Common law; And he therefore deſired that Council on both ſides Civilians and common Lawyers may be heard, and the Boundaries of theſe Juriſdictions fully ſettled, before any reſolution be taken upon this head.

He added that notwithſtanding his right, he had been ſo deſirous of keeping faire with Colonel Quary, that upon his firſt Complaint of this Water Bayliff Commiſſion he had checked the officer and recalled the Commiſſion; ſo that no further Commiſſion have been made upon it.

The fourth Article of the Abſtract of Complaints together with Mr Penns anſwer and Colonel Quarys Reply, was then read; Whereupon Col: Quary after having referr'd himſelf to the Addreſſes from the Repreſentatives of the three lower Counties [pennſylvania I No 7 and No 1] he repreſented ye neceſſity of a ſettled Militia, from the Example of her Majeſty's other Governments on the Continent of America, and ſaid that without it the Country cannot be ſafe either againſt Pirates by Sea, or the Incurſions of Indians or Enemies by Land: and in confirmation of that opinion he laid before the Board a Depoſition made by Mr Robert Snead the 26th of November laſt before Colonel Nicholſon in Virginia.

To

To this Mr Penn replyed that they are in no fear of an Enemy by land, becauſe the Queens Colonies do lye between them and the French and that the beſt Security for all the Plantations by Sea as well againſt Enemies as Pirates is Shipping.

And whereas it was objected to him that the Government of Pennſylvania had been reſtored to him upon Condition that he ſhould ſettle a Militia for the Security of it, he abſolutely denyed that he ever made any promiſe to do ſo: But acknowledged that he promiſed to uſe his Endeavours towards the procuring a Quota of Aſſiſtance for New York, which he did accordingly and Succeeded in it.

As to the ſetling [*ſic*] a Militia he further added that the Commiſſions given by Colonel Fletcher are ſtil [*ſic*] in force, and that before his coming away from thence he called ſeveral of the Captains before him, and aſked them why they did not execute their Commiſſions.

The fifth Article of the foreſaid Abſtract, anſwer and reply were then read; which relating to the Indians, Col: Quary afirmed that he himſelf was an Eye Witneſs of a great many Strange Indians coming from Mr Penn to deſire a Settlement in that Government, & that one of thoſe Nations had formerly reſided in the Government of Maryld. but complained that upon Suſpicion of their having killed ſome Engliſh they had been unkindly uſed there, and that Mr Penn replyed that if they had been guilty of killing any Engliſh, he could not protect them, but if not they ſhould be welcome.

To this Mr Penn anſwered that all the ſeveral Nations of Indians here mentioned by Colonel Quary do not in whole amount

amount to 300: And for a more particular account of that Tranſaction he refer'd himſelf to the Indenture of agreement he made with them [Proprieties I ~~N°~~ 21.] To his written anſwer to this article; and to a Letter from one Monſieur le Tont a French man who has lived many years in that Country, which he now left with the Board for their Conſideration.

Ordered that both Parties attend again on Thurſday morning next, in order to the further Conſideration of theſe matters.

Reply of several of the Proprietors of New Jersey to the complaints against Andrew Hamilton.

[Extract.]

New Jerſey Archives, Firſt Series, Vol. II. p. 475.

Coll: Hamilton was Governour of theſe two Provinces for the Space of nine or Ten years to the good liking of Prop'rs and people. . . . We have heard that one Randolph (a noted Enemy to Coll: Hamilton) did Some time agoe Exhibit to the Right Honorable the Houſe of Lords a Complaint and accuſation againſt the Said Colonel and others about Illegal Trade, and we heard he was So farr from making good any Such accuſation that it was Thrown out as Groundleſs, which we believe to have come under the Notice of this Hono'ble Board, and his now accuſers were So farr from accuſing him whilſt he was here, that they Joyned with us in Application to your Lordſhips, for his approbation. . . . [June 3d 1702.]

Edward

EDWARD RANDOLPH TO BOARD OF TRADE.

Board of Trade Proprieties, Vol. 6. K. 5. 16 June, 1702.

Articles aga: William Penn Esq: pretended Governo: of the three Lower Counties on Delaware Bay in America.

1°. He assumes ye Governm: of ye three Lower Counties haveing no Legall right or power so to do.

2°. He lays Taxes & Levies Money upon her Maties Subjects Inhabiting there, & Enacts Customs & lays 8^d p Tunn upon all fforeign Vessells which is destructive to ye Trade of England, whilst ye Inhabitants ship off great quantities of Tobacco yearly from thence to Scotland. directly.

3^ly He has not qualifyed himself to be Governo: by being first allowed of by his late Ma^tys Order in Councill befor [*sic*] he enter'd upon the Governm: of his Province, as by the Act for preventing frauds & regulating Abuses in ye Plantation Trade, made in the 7th & 8th of his Late Ma^ty

4^thly He hath (Since he went over last to his Province) made Laws destructive, & Repugnant to the Acts of Trade & Navigation, But for ye Encouragm: of Illegall Traders.

5^ly He hath assumed to himself ye third part of all penalties, and fforfeitures Granted to her Ma^ty her Heirs and Successors by the said Act for preventing ffrauds &c. which were not before particularly disposed of in ye said Act.

6^ly His late Governo: M: Markham hath also assum'd to himself her Majesties third part of two fforfeitures and converted them to his Own Use.

7^ly The s^d Markham did on ye 30th of July 1689 illegally & arbitrarily Imprison the Surveyo: Gen^ll of her Maties Customs,

&

& threatned to keep him a Close prison untill he had deliver'd up to the said Markham ye Plantacon Bond of 1000li enter'd into by John Deplovey Merch: in Philadelphia, who was security wth Stephen Blackleech Mr of ye Briganteen George of New England forfeited for breach of ye Acts of Trade. By which means ye prosecucon agat Deplovey (who was then a man of good Estate, but since insolvent) is wholly stopt, Her Maty looses the Debt & ye Bond is deliver'd up to ye said Markham by the prosecutor before he could be set at Liberty.

All which is humbly Submitted by

ED RANDOLPH S: G:

June: 16: 1702:

[*Endorsed*.] Pensylvania
Mem: from Mr Randolph
containing Articles of
Complaints against
Mr Penn

WHITEHAL. JUNE 17TH 1702.

Board of Trade, Journal, Entry Book, Vol. 15. pp. 90–91.

At a meeting of her Majesty's Commrs for Trade and Plantations.

Present: Mr Cecil, Sir Ph: Meadowes, Mr Blathwayt, Mr Pollexfen, Mr Prior.

Pennsylvania Mr Randolphs Papers against Mr Penn

Mr Randolph laid before the Board, a Paper of Articles against Mr Penn, which were read: And the last of those Articles relating to Mr Markham's Imprisoning Mr Randolph in the year 1689, until he had

had delivered up to him a Plantation Bond of 1000^{li}. was confirmed by Col. Quary here preſent: Whereupon ordered that when Mr Penn comes next to this Board, he be aſked concerning the State of that matter, and where the Said Bond now is.

Surveyor General Randolph to the Lords of Trade, adverse to Andrew Hamilton.

New Jerſey Archives, Firſt Series, Vol. II. p. 481. 18 June 1702.

A Paper from Mr Randolph containing Complaints ag^{t} Coll: Hamilton Govr of Weſt New Jerſey, with relation to illegal Trade.

To the Right Honble the Lords Comm^{rs} for Trade

May it pleaſe y^{r} Lordſ^{hps}

That during the time of my Survey in the Severall Colonys & plantations made in ye year 1695: I found in the Bookes of James Williams the Collector of ye Cuſtoms in ye Province of Pennſilvania an Entry, viz: 1695: William Wrighton M^{r} of the William & Mary: of London. bound to New Caſtle in Eng^{d} with 180: Hogg^{ds} of tobacco aboard: but he went directly to Scotland. Wrighton at his return to pennſilvania imported 30: or 30 [*ſic*] Tuns of Scotch Cole from Scotland: & in his way going up with them aboard to Burlington was ſeized by Cap Thomas Meech Command^{r} of a ſmall veſſell Sett out by Coll Nicholſon Gou^{r} of Maryland with power to ſeize all illegal Traders. Coll: Andrew Hamilton then Govr of W: New Jerſey denied Meechs power to ſeize: afterwards Edwd Hunlock whom

whom I deputed Coll: of that province ſeized her but did not proſecute her becauſe Coll Hamilton had upon a petition of Maurice Trent ye Owner & with Wrighton the M^r^ of ye William & Mary Briganteen ſetting forth that ye french tooke their Clerings for the Cole in Liverpool Eng^d^: from them at Sea permitted the Veſſel to be apprized: & accepted of their Bond to produce Certificates thereof in a yeares Tyme It appeares by Hunlocks letter to me that there was a Bond given by Trent to Wrighton & by the Copy of my letter to Hunlock to proſecute the Bond but I find no reaſon for their Giving ſuch a Bond but to gett their veſſel free from the proſecution.

About ye year 1698, I diputed Coll: Baſſe, then the Govr of the Jerſeys to demand the Bond of Coll Hamilton & to putt it in Suit. But he told him that if he had the Bond I ſhould not have it nor would he deliver it to any I ſhould order to receive it. which Coll Baſſe when demanded will make appear.

Coll Hamilton has deſtroyed a Bond of about 200£ to the King: which he is certainly accountable for to his Matie. This I certify as farr as I have diſcovered out of Cap Meech's Journall & other papers relating to the Brigant William & Mary

J. [E] RANDOLPH: S: G:

18: June 1702

EDWARD

EDWARD RANDOLPH'S WILL.

Historical Papers, by C. W. Tuttle, p. 280.

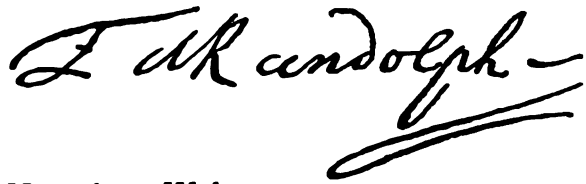
In the name of God, amen. This fifteenth day of June, in the yeare of our Lord one Thouſand ſeaven hundred and two, I, Edward Randolph, Eſq^r, Surveyour-Gen^ll of Her Maties Cuſtomes in all her Plantations and Colonies in America, ſound of body and memory, thanks be given to Allmighty God for all his mercies, yet nevertheleſs taking into my ſerious conſideration the frailty of human life, and being about to make my ſeaventeenth ſea-voyage to America, doe make this my laſt Will and Teſtament in manner and forme following. After having comended my ſoul, body, and eſtate to the mercies and protection of Allmighty God, hoping for ſalvation at my diſſolution through the merits of my bleſſed Lord and Saviour Jeſus Chriſt, I diſpoſe of my temporall eſtate wherewith it hath pleaſed God to bleſs me, as followeth; viz. I doe hereby give and bequeath unto my youngeſt daughter, Sarah Randolph (whoe is otherwiſe unprovided for), all ſuch ſumme and ſummes of money as are or ſhall be due to me of my ſallary as Surveyor-General, payable from the Commiſſioners of Her Maties Cuſtomes for the time being, and which I have not allready given to my daughter Williams or to my daughter Deborah Randolph, which ſaid ſalary is uſually received and paid for me by my Worthy friend Richard Savage, Eſq^r And in caſe it ſhould pleaſe God that my ſaid daughters Williams and Deborah, or either of them, ſhall happen to dye in the life-time of my ſaid daughter Sarah, then I doe will and bequeath ſuch parte and parts of my ſaid ſallary as I have ordered to be paid to them,

them, or either of them, to be thenceforth paid to my ſaid daughter Sarah; and I doe alſo give and bequeath unto my ſaid daughter Sarah all my plate which I leave in the hands of my loving friend Mr. Edward Jones of the Savoy, and all ſuch ſumme and ſummes of money as is or ſhall be recovered for my uſe of Gilbert Nelſon, late Chiefe Juſtice of the Iſland of Burmuda, whether the ſame be in the hands of Mr. Samuell Spofforth or any other perſon whomſoever, and all ſuch ſummes of money as ſhall be recovered for my uſe of George Plater, Eſq^r, living in Potuxent, in the province of Maryland, and which the ſaid Plater hath or may receive for my uſe of Samuell Willſon or any other perſon, and all and ſingular debts due and payable, or which ſhall be hereafter due or payable to me. But in caſe my ſaid daughter Sarah ſhall happen to depart this life before ſhe attaine the age of eighteen years, and be married (which I enjoine and require her not to doe without the conſent and approbation of Mrs. Mary Fog, and Nathaniell Bladen of Lincoln's Inn, Eſq^r, thereunto in writing firſt had and obtained), then I will that my daughter Elizabeth Pim, and (if ſhe be dead) her ſon Mr. Charles Pim, or her and his children, ſhall have all that is herein bequeathed to my ſaid daughter Sarah. But if neither my ſaid daughter Pim, nor her ſaid ſon Charles, nor any child or children of hers or his ſhall be living, then I will that whatſoever I have herein bequeathed to my ſaid daughter Sarah ſhall go to my daughters Williams and Deborah and their children equally, and I doe hereby conſtitute and appoint my ſaid daughter Sarah ſole executrix of this my laſt will and Teſtament, by theſe preſents revoking and annulling all former wills by me made heretofore

 and

and declared by word or writing, and this only to be taken for my laſt will and Teſtament.

In witness whereof I have hereby declared and publiſhed this to be my laſt will and Teſtament, the day and yeare above written in the preſence of Humphrey Walcot, Gent., Mrs. Catherine Bladen, and Nathaniel Bladen.



S.-G.

Witneſs, Humphrey Walcott,
Catherine Bladen,
Nathaniel Bladen.

7 Dec. 1703. Adminiſtration to Sarah, wife of John Howard, Guardian aſſigned to Sarah Randolph, a minor, dau^r and Executrix named in the Will of Edward Randolph, late of Acquamat in Virginia, deceaſed.

WHITEHAL. JUNE 24TH 1702.

Bovrn of Trade, Journal, Vol. 15. p. 100.

At a Meeting of her Majeſty's Comm^ns for Trade and Plantations.

Preſent: Lord Viſcount Weymouth, Lord Dartmouth, Mr Cecil, Sir Ph. Meadowes, Mr Blathwayt, Mr Pollexfen, Mr Prior.

Pennnsylvas. Quary, Lre to Earl of Nottingham.

A Letter to the Earl of Nottinghā relating to Colonel Quary's Services &c^a purſuant to the Directions given yeſterday, was Signed and Sent.

A

Lre to Colonel Quary.

A Letter to Colonel Quary, relating to the Addreſs of the Repreſentatives of the three Lower Counties adjoyning to Pennſylvania, was ſigned, and delivered to Mr Baſs, who called for it by Colonel Quary's Order.

Plans Genll Randolph.

Mr Randolph acquainted the Board that he is now vpon his Departure for America, and deſired that he may be favourably remembered in caſe any opportunity offer of procuring him ſome Imployment which may afford him a Competent Subſiſtence in England; Whereupon their Lordſhips aſſuring him of their readineſs to aſſiſt him as may be proper for them, deſired him in his abſence from hence to continue his Correſpondence as formerly.

Col. F. Nicholson to the Board. [Undated.]

Board of Trade, Virginia, Vol. 10. K. 1, 1703.

(*Poſtſcript.*)

Concerning ye death of Edward Randolph Esqr, and an humble proposal and request that Col. Robert Quary may succeed in ye surveyr genlls place, and if necessary, yt a bond be given for his good behavior by me F. N.

Edward Randolph Eſqr dyed in April laſt, on ye eaſtern ſhore. I have given ye honble Col. Robert Quary an acct thereof, and I hope to ſee him here next moneth, in order to examine the accompts &c. of ye Collectors and naval Officers. I'm in great hopes yt ye honble Commiſſinrs of her Majtys Cuſtoms will think him a proper perſon in all reſpects to ſucceed Eſqr Randolph as ſurveyor general of her Majsty cuſtoms in this Continent of America. And I'm an humble Interceſſor to yor Lordſhips on his behalf

half for y^e^ ſ^d^ place: and for his good behaviour &c. in it, a Bond, if required, ſhall be given by

FR: NICHOLSON.

[*Endorſed*] Virginia
Lre from Col. Nicholſon to the Board,
of [*blank*] 1703.
Rec^d^ Octr 5th 1703.
Read 8th D^o^
Rec^d^ by Chriſtop^r^ Fogg
Com^dr^ of the Falmouth.

WHITEHALL. OCTOBER 11TH 1703.

Board of Trade, Journal, Vol. 16. p. 213.

At a meeting of Her Majeſty's Comm^rs^ for Trade & Plantations.

Preſent: Lord Dartmouth, Mr Cecil, S^r^ Ph: Meadowes, Mr Blathwayt, Mr Pollexfen

Ordered that a Copy of that part of Colonel Nicholſons Lre without Date, which relates to the Death of Mr Randolph, be ſent to Mr Sanſom to be laid before the Comm^rs^ of the Cuſtomes.

Virginia. Randolphs Death.

[*See B. T. Virginia, Vol.* 10. *K.* 1.]

Mr SANSOM TO W^M^ POPPLE.

Board of Trade, Virginia, Vol. 10. K 22. 14 Oct. 1703.

S^r^

I have Communicated to the Comm^rs^ your Letter of the 12th inſt. with the Extract of a Letter from Colonel Nichollſon Governour of Virginia Recommending Col^l^ Quarry to Succeed Mr Randolph as Survey^r^ Generall of her Ma^ts^ Cuſtomes,

tomes, upon the Continent of America. And am Directed to Acquaint you, That this Board has had Long Experience of the Ability and Defert of Col Quarry, And had fo good an Efteem of his Services Relating to this Revenue, That before the Receipt of your faid Letter, They had Refolued to Prefent him to that Imployment, And accordingly a Prefentment is Prepared and Lodg'd at the Treãry Chambers againft my Lord Treãr comes to Towne.

I am

Sr

Your moft humble Servant

IN. SANSOM.

Cuftome houfe London
14th October 1703.

[*Endorfed*] Virginia.
Lre from Mr Sanfom in Anfwer
to one writ him the 12 inftant, relating
to Colonel Quary. Dated the 14 ditto 1703.
Recd the 18 October } 1703.
Read 20 " }

To Willm Popple Efqr Secry to the Rt Honoble the Lords Commrs for Trade & Plantations.

COL. QUARY TO THE COMMRS OF THE CUSTOMS.

Board of Trade, Plantations General, Vol. 7. F. 38. 15 Oct. 1703.

May it Pleafe your Honrs

Inclofed is the coppy of my laft from Penfilvania of ye 4th Auguft; fince wch I haue travelled through ye Province of Maryland and vifitted all the officers in ye feverall Rivers on the Weftern Shore in that Governt . . . .

I

I have in my former laid before your Hon^{rs} y^{e} ſtate of her Maj̃ties Revenue in Penſilvania for about nine or ten years paſt. I ſhewed what part of it hath been received by Mr Randolph, and what remains ſtill in ye hands of ye former Collect^{rs} and others of wch I have full proofe: nothing hinders ye recovering ye mony, which is conſiderable, but your Hon^{rs} orders & a perſon impowered as her Maj^{ties} Atturney Gen^{ll} to diſcharge ye party, ye want of which is ye only pretence they have to keep her Maj̃ties mony ſo long in their hands: this I have fully repreſented to your Hon^{rs}, and therefore will not take up your time now. I likewiſe acquainted your Hon^{rs} y^{t} Mr Penns Navall Officers do refuſe to deliver me ye forfeited Bonds, y^{t} I might put them in ſuit for ye Queen, under pretence y^{t} they want an ord^{r} from yor Hon^{rs}. I think my ſelf ſufficiently qualifyed to demand them *ex officio*, as I am impowered by your Hon^{rs} as yor Surveyo^{r} Gen^{ll}; but they are pleaſed to make uſe of this ſhuffle to delay time, knowing y^{t} ſome of their friends are concerned and will be brought on y^{e} ſtage when ſome of thoſe Bonds are put in ſuit. . . . .

Mr Randolph's Papers are diſperſed in ſev^{ll} Places of ye Country: I will endeavour to collect them. Yo^{r} Hon^{rs} were pleaſed to ſend over ſeverall pair of ſtilliards for weighing Tob^{o}; they are alſo very much diſperſed, but not where they ought: I will take care y^{t} they be diſpoſed of where moſt for her Maj̃ties ſervice.

Mr Randolph ſince his laſt coming over ſeized two ſhips without ye leaſt ground y^{t} I could find; one in Maryland, which was cleared and ye owners ſued him for damage; the other a little before his death on ye Eaſtern Shore in Virg^{a}.

I

I have examined into ye matter and can't find ye leaſt Culler for it: the pretence was a pcell of Iriſh Linnen for which there is a true and full Certificate y^t ye duty was paid in England.[8]

I will not treſpaſs further on your Hon^rs time, but refer to my next and beg leave to ſubſcribe myſelf

Your Hon^rs

Moſt obedient Humble Servt

ROB^T QUARY.

Virg^a Octob^r ye 15th

1703.

[*Endorſed*]

(1.) My Letter to the Hon^rble the Comiſſ^rs of her Maj^ties Cuſtomes of the 15th 8^ber 1703.

(2.) Plantat: Gen^ll

Copy of a Lre from Col: Quarry to the Comm^rs of the Cuſtoms, with an acc^t of his Proceedings in his Progreſs thro' Maryland & Virginia; dated in Virg^a the 15 Octob: 1703.

referred to in his Lre to the Board of 15 October laſt.

Rec^d 9 Decem^r } 1703.
Read 16th Feb^ry }

COLONEL

[8] In the *Records of the Court of Aſſiſtants of the Colony of Maſſachuſetts Bay*, Vol. II., now in preſs under the able ſuperviſion of John Noble, Eſq., who has kindly allowed the proof ſheets to be examined, ſeveral caſes are reported, the Aſſiſtants ſitting as a Court of Appeals or a Court of Admiralty, which have been mentioned in the firſt volume of the preſent work under the years 1680, 1682, 1683. In each caſe judgment was given againſt Randolph as royal Collector, and againſt Bernard Randolph acting as Deputy Collector. See pages 160, 209, 210, 219, 220, 230. On page 220, under date of 14 September, 1682, is the following entry: "The Goū & magiſts voted that the bills of Coſts &c. ag^t m^r Randolph ſhould be ſuſpended till the Councill take further ord^r." On page 298, under date of 15 April, 1686, about a month before Joſeph Dudley aſſumed the office of Preſident by royal appointment, the charter of the Colony having been annulled, there are entries relating to Samuel Shrimpton, who had denied the legal exiſtence of the Court of Aſſiſtants. The caſe againſt him ſeems to have been terminated by the diſſolution of the Charter government.

Colonel Quary to the Lords of Trade.

[Extract.]

New Jersey Archives, First Series, Vol. III. p. 7.

I do most humbly beg your Lordsps favour in recommending me to ye Honble ye Commiss^rs^ of her Majties Customs, and to ye R^t^ Honble the Lord High Treasu^r^ y^t^ I may Succeed Mr Randolph as Survey^r^ Gen^ll^ of North America, the duty of which place I have discharged ever since I returned last to America, by virtue of a power from ye Honble ye Commiss^rs^ 'tho I have not had ye sallery belonging to it, which will be a comfortable subsistence, and enable me ye better to discharge ye duty of your Lordsps Comissary in all these American Governm^ts^ which I will always endeavour to do with all ye faithfullness imaginable.

I have here sent your Lordsps ye minutes of her Majesties Council for ye Jerseys.

Virg^a^ Octob^r^ ye 15th 1703.

Right Honble

Yo^r^ Lordsh^ps most obed^t^ humble servant

Robt Quary

I humbly request y^t^ your Lordsh^ps will please to order me a supply of Paper Pens Ink wax &c^c^ I am often distrest for want of them in these parts.

Relating

Relating to Randolph's death.

Board of Trade, Journal, Vol. 16. p. 237. 20 October, 1703.

Virginia. Pennsylva Lre from Mr Sansom. Randolph. Quary.

A Letter from Mr Sanſom of the 14th inſtant, in anſwer to what writ to him the 12th with the Extracts of Col. Nicholſons Lre relating to Mr Randolph's Death and Colonel Quarys ſucceding him in the Place of Surveyor General of Her Majeſty's Cuſtomes on the Continent of America, was read: Whereupon Ordered that Copies of both the ſaid Lre & Anſwer be ſent to Col. Nicholſon and to Colonel Quary vpon the firſt occaſion of writing to them.

ERRATA.

Vol. I. p. 45, note 111. *Maſſachuſetts Hiſtorical Society Proceedings, Fourth Series*, should read *Maſſachuſetts Hiſtorical Society Collections, Fourth Series.*

Vol. II. p. 97, note 220, l. 17. "I believed the clauſe in his [Andros's] commiſſion referring to patenting of lands did intend and concerne the great waſte of undiſpoſed lands and not the patenting of ancient poſſeſſions. I have openly spoken againſt the grant of Lynn and Cambridge Common and particularly the grant of Charleſtown Common. Concerning the war at the eaſtward I did repreſent my opinion to bee that wee were not able to ſupport a great force, that it were better to put the rebells heads at a good value and to imploy the Maquas [Mohaws] and Engliſh volunteers to hunt for them at ſuch a price." *Maſſachuſetts Hiſtorical Society Collections, Eighth Series*, Vol. III. p. 501, ſhould read "I . . . believed the clause in his [Andros's] Commiſſion referring to patenting of lands did intend and concerne the great waſte of undiſpoſed lands . . . not . . . the patenting of antient poſſeſſions . . . I have openly ſpoken againſt the graunt of Lynn and Cambridge Common . . . and did certainly prevent thoſe graunts and particularly the graunt of Charleſtown Common . . . [concerning the war at the Eaſtward] I did repreſent my opinion to bee that wee were not able to ſupport a great force; that it were better to putt the rebells heads at a good value and to imploy the Maquaes [Mohaws] and Engliſh voluntiers to hunt for them at ſuch a price . . ." *Maſſachuſetts Hiſtorical Society Collections, Sixth Series*, Vol. III. pp. 505, 506.

THE PRINCE SOCIETY.

1899.

Commonwealth of Massachusetts.

IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

AN ACT TO INCORPORATE THE PRINCE SOCIETY.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. John Ward Dean, J. Wingate Thornton, Edmund F. Slafter, and Charles W. Tuttle, their associates and successors, are made a corporation by the name of the PRINCE SOCIETY, for the purpose of preserving and extending the knowledge of American History, by editing and printing such manuscripts, rare tracts, and volumes as are mostly confined in their use to historical students and public libraries.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding thirty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 18, 1874.

NOTE. — The Prince Society was organized on the 25th of May, 1858. What was undertaken as an experiment has proved successful. This ACT OF INCORPORATION has been obtained to enable the Society better to fulfil its object, in its expanding growth.

THE PRINCE SOCIETY.

CONSTITUTION.

ARTICLE I. — This Society ſhall be called THE PRINCE SOCIETY; and it ſhall have for its object the publication of rare works, in print or manuſcript, relating to America.

ARTICLE II. — The officers of the Society ſhall be a Preſident, four Vice-Preſidents, a Correſponding Secretary, a Recording Secretary, and a Treaſurer; who together ſhall form the Council of the Society.

ARTICLE III. — Members may be added to the Society on the recommendation of any member and a confirmatory vote of a majority of the Council.

Libraries and other Inſtitutions may hold memberſhip, and be repreſented by an authorized agent.

All members ſhall be entitled to and ſhall accept the volumes printed by the Society, as they are iſſued from time to time, at the prices fixed by the Council; and memberſhip ſhall be forfeited by a refuſal or neglect ſo to accept the ſaid volumes.

Any perſon may terminate his memberſhip by reſignation addreſſed in writing to the Preſident; provided, however, that he ſhall have previouſly paid for all volumes iſſued by the Society after the date of his election as a member.

ARTICLE IV. — The management of the Society's affairs ſhall be veſted in the Council, which ſhall keep a faithful record of its proceedings,

proceedings, and report the ſame to the Society annually, at its General Meeting in May.

ARTICLE V. — On the anniverſary of the birth of the Rev. Thomas Prince, namely, on the twenty-fifth day of May, in every year (but if this day ſhall fall on Sunday or a legal holiday, on the following day), a General Meeting ſhall be held at Boſton, in Maſſachuſetts, for the purpoſe of electing officers, hearing the report of the Council, auditing the Treaſurer's account, and tranſacting other buſineſs.

ARTICLE VI. — The officers ſhall be choſen by the Society annually, at the General Meeting; but vacancies occurring between the General Meetings may be filled by the Council.

ARTICLE VII. — By-Laws for the more particular government of the Society may be made or amended at any General Meeting.

ARTICLE VIII. — Amendments to the Conſtitution may be made at the General Meeting in May, by a three-fourths vote, provided that a copy of the ſame be tranſmitted to every member of the Society, at leaſt two weeks previous to the time of voting thereon.

COUNCIL.

RULES AND REGULATIONS.

1. THE Society ſhall be adminiſtered on the mutual principle, and ſolely in the intereſt of American hiſtory.

2. A volume ſhall be iſſued as often as practicable, but not more frequently than once a year.

3. An editor of each work to be iſſued ſhall be appointed, who ſhall be a member of the Society, whoſe duty it ſhall be to prepare,

pare, arrange, and conduct the ſame through the preſs; and, as he will neceſſarily be placed under obligations to ſcholars and others for aſſiſtance, and particularly for the loan of rare books, he ſhall be entitled to receive ten copies, to enable him to acknowledge and return any courteſies which he may have received.

4. All editorial work and official ſervice ſhall be performed gratuitouſly.

5. All contracts connected with the publication of any work ſhall be laid before the Council in diſtinct ſpecifications in writing, and be adopted by a vote of the Council, and entered in a book kept for that purpoſe; and, when the publication of a volume is completed, its whole expenſe ſhall be entered, with the items of its coſt in full, in the ſame book. No member of the Council ſhall be a contractor for doing any part of the mechanical work of the publications.

6. The price of each volume ſhall be a hundredth part of the coſt of the edition, or as near to that as conveniently may be; and there ſhall be no other aſſeſſments levied upon the members of the Society.

7. A ſum, not exceeding one thouſand dollars, may be ſet apart by the Council from the net receipts for publications, as a working capital; and when the ſaid net receipts ſhall exceed that ſum, the exceſs ſhall be divided, from time to time, among the members of the Society, by remitting either a part or the whole coſt of a volume, as may be deemed expedient.

8. All moneys belonging to the Society ſhall be depoſited in the New England Truſt Company in Boſton, unleſs ſome other banking inſtitution ſhall be deſignated by a vote of the Council; and ſaid moneys ſhall be entered in the name of the Society, ſubject to the order of the Treaſurer.

9. It ſhall be the duty of the Preſident to call the Council together, whenever it may be neceſſary for the tranſaction of buſineſs, and to preſide at its meetings.

10.

10. It ſhall be the duty of the Vice-Preſidents to authorize all bills before their payment, to make an inventory of the property of the Society during the month preceding the annual meeting and to report the ſame to the Council, and to audit the accounts of the Treaſurer.

11. It ſhall be the duty of the Correſponding Secretary to iſſue all general notices to the members, and to conduct the general correſpondence of the Society.

12. It ſhall be the duty of the Recording Secretary to keep a complete record of the proceedings both of the Society and of the Council, in a book provided for that purpoſe.

13. It ſhall be the duty of the Treaſurer to forward to the members bills for the volumes, as they are iſſued; to ſuperintend the ſending of the books; to pay all bills authorized and indorſed by at leaſt two Vice-Preſidents of the Society; and to keep an accurate account of all moneys received and diſburſed.

14. No books ſhall be forwarded by the Treaſurer to any member until the amount of the price fixed for the ſame ſhall have been received; and any member neglecting to forward the ſaid amount for one month after his notification, ſhall forfeit his memberſhip.

OFFICERS

OF

THE PRINCE SOCIETY

FROM ITS ORGANIZATION.

Presidents.

*Samuel Gardner Drake, A.M., Boston	1858 to 1870.
John Ward Dean, A.M., Boston	1870 to 1880.
The Rev. Edmund F. Slafter, D.D., Boston	1880.

Vice-Presidents.

*Thomas Waterman, Boston	1858 to 1866.
*Frederic Kidder, Boston	1858 to 1863.
*Jeremiah Colburn, A.M., Boston	1858 to 1863.
John Ward Dean, A.M., Boston	1863 to 1870.
*John Wingate Thornton, A.M., Boston	1863 to 1878.
The Rev. Edmund F. Slafter, D.D., Boston	1866 to 1880.
William Blake Trask, A.M., Dorchester	1870.
*Charles Henry Bell, LL.D., Exeter, N. H.	1874 to 1893.
John Marshall Brown, A.M., Portland, Me.	1878 to 1885.
John Ward Dean, A.M., Boston	1880.
James Phinney Baxter, A.M., Portland, Me.	1885 to 1894.
The Rev. Edward G. Porter, A.M., Dorchester	1894.
David Greene Haskins, Jr., A.M., Cambridge	1895.

Corresponding Secretaries.

JOHN WARD DEAN, A.M., Boston	1858 to 1863.
WILLIAM HENRY WHITMORE, A.M., Boston	1863 to 1872.
*The Hon. CHARLES H. BELL, LL.D., Exeter, N. H.	1872 to 1874.
*CHARLES WESLEY TUTTLE, Ph. D., Boston	1874 to 1881.
*The Rev. HENRY WILDER FOOTE, A.M., Boston	1882 to 1889.
ROBERT NOXON TOPPAN, A.M., Cambridge	1890.

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WILLIAM HENRY WHITMORE, A.M., Boston	1858 to 1863.
WILLIAM SUMNER APPLETON, A.M., Boston	1863 to 1865.
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WILLIAM S. APPLETON, A.M., Boston	1866 to 1870.
WILLIAM THEOPHILUS ROGERS MARVIN, A.M., Boston	1870 to 1873.
WILLIAM H. WHITMORE, A.M., Boston	1873 to 1875
DAVID GREENE HASKINS, Jr., A.M., Cambridge	1875 to 1895.
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*JEREMIAH COLBURN, A.M., Boston	1863 to 1873.
*CHARLES WESLEY TUTTLE, Ph.D., Boston	1873 to 1874.
ELBRIDGE HENRY GOSS, Melrose	1874 to 1898.
HENRY W. CUNNINGHAM, A.B., Manchester, Mass.	1898.

OFFICERS

OF

THE PRINCE SOCIETY.

1899.

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Vice-Presidents.

JOHN WARD DEAN, A.M. . . . . BOSTON, MASS.
WILLIAM B. TRASK, A.M. . . . . BOSTON, MASS.
EDWARD G. PORTER, A.M. . . . . DORCHESTER, MASS.
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Corresponding Secretary.

ROBERT N. TOPPAN, A.M. . . . . CAMBRIDGE, MASS.

Recording Secretary.

THE REV. HENRY F. JENKS, A.M. . . . . CANTON, MASS.

Treasurer.

HENRY W. CUNNINGHAM, A.B. . . . . BOSTON, MASS.

THE PRINCE SOCIETY.

1899.

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Winfield Scott Hill, M.D.	Auguſta, Me.
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William Green Shillaber	Boston, Mass.
The Rev. Carlos Slafter, A.M.	Dedham, Mass.
The Rev. Edmund Farwell Slafter, D.D.	Boston, Mass.
Charles Card Smith	Boston, Mass.
Otho Sylvester Arnold Sprague	Chicago, Ill.
Oliver Bliss Stebbins	Boston, Mass.
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Mrs. Frances Batchelder Troup	Offwell House, Honiton, Eng.
Henry Hobart Vail, LL.D.	New York, N. Y.
William Henry Whitmore, A.M.	Boston, Mass.
Robert Charles Winthrop, Jr., A.M.	Boston, Mass.
Prof. John Henry Wright, A.M.	Cambridge, Mass.

LIBRARIES.

American Antiquarian Society	Worcester, Mass.
Amherst College Library	Amherst, Mass.
Bangor Public Library	Bangor, Me.
Biblioteca Nacional de México	Mexico, Mexico.

Bibliothèque Nationale	Paris, France.
Bodleian Library	Oxford, Eng.
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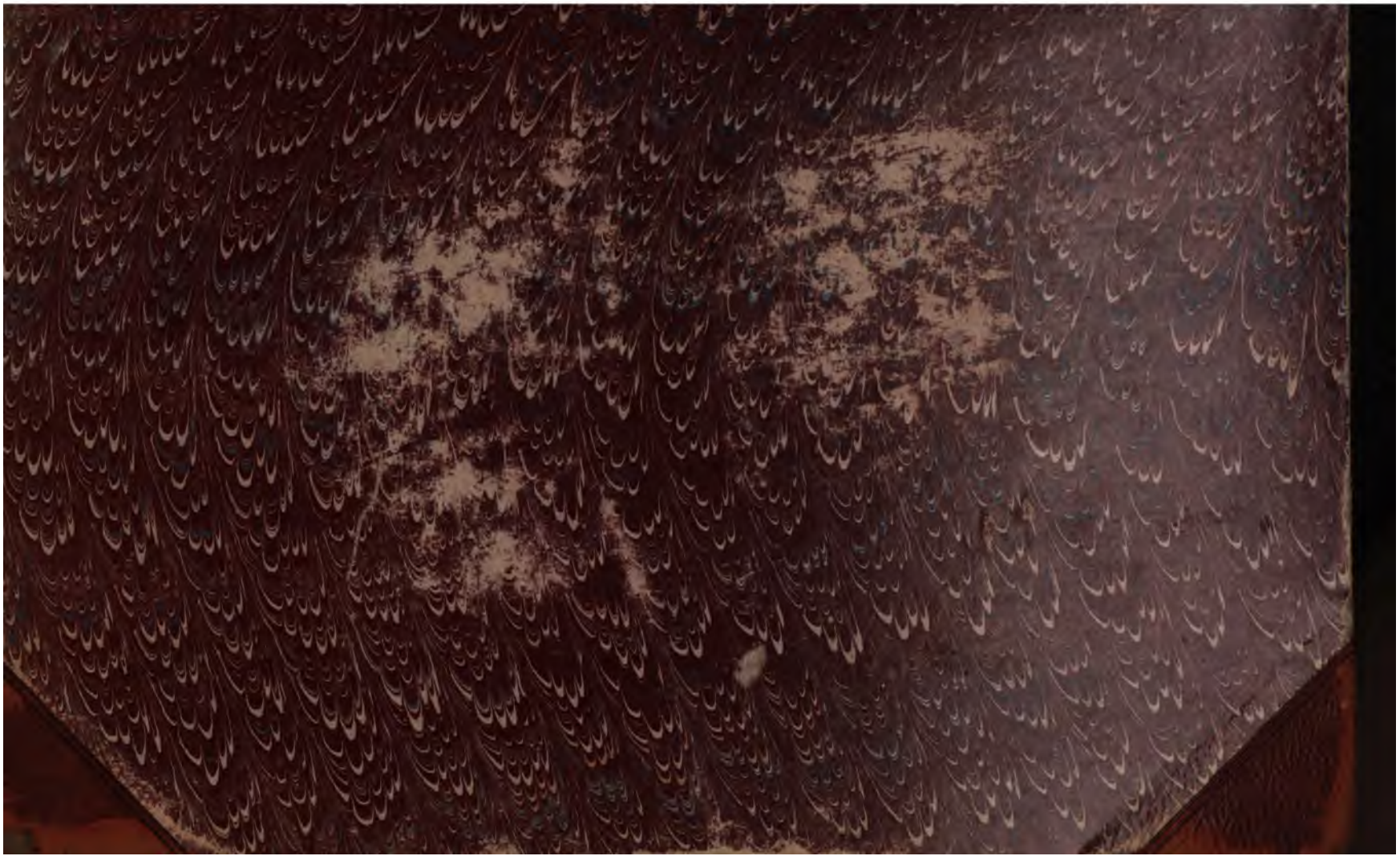
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